



SEATTLE CITY COUNCIL

Land Use Committee

Agenda

Wednesday, April 26, 2023

2:00 PM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Dan Strauss, Chair
Tammy J. Morales, Vice-Chair
Teresa Mosqueda, Member
Sara Nelson, Member
Alex Pedersen, Member

Chair Info: 206-684-8806; Dan.Strauss@seattle.gov

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April 26, 2023 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://www.seattle.gov/council/committees/land-use>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at

<http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Strauss at
Dan.Strauss@seattle.gov

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda**C. Public Comment****D. Items of Business**

1. [CF 314470](#) **Application of 2501 NW Market LLC for a contract rezone of a portion of a split-zoned site at 2501 NW Market Street from Industrial Commercial with a 65 foot height limit and Mandatory Housing Affordability (MHA) suffix (IC-65(M)) to Neighborhood Commercial 3 with a 75 foot height limit, Pedestrian designation and MHA suffix (NC3P-75(M)) (Project No. 3037522-EG; Type IV).**

Attachments: [Rezone Material - 3037522-EG](#)
[Rezone Material - 3037590-LU](#)
[SDCI Rezone Recommendation & HE PH Notice - 3037590-LU](#)
[SDCI Published Decision - 3037590-LU](#)
[Clarified HE Findings and Recommendations](#)
[Community Outreach Documentation](#)
[Draft REC Proposal](#)
[Hearing Examiner Letters](#)
[Central Staff Memo](#)
[Presentation](#)
[Draft Findings, Conclusions, and Decision](#)

Supporting Documents: [Ex Parte Communication - Email](#)
[Ex Parte Communication - Letter 1](#)
[Ex Parte Communication - Letter 2](#)

Briefing, Discussion, and Possible Vote (15 minutes)

Presenter: Ketil Freeman, Council Central Staff

2. [CB 120533](#) **AN ORDINANCE** relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 53 of the Official Land Use Map to rezone the western 15,943 square feet of the parcel located at 2501 Northwest Market Street from Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, P pedestrian designation, and M Mandatory Housing Affordability Suffix (NC3P 75 (M)) and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Pacific Fishermen, Inc. C.F. 314470, SDCI Project 3037590-LU)

Attachments: [Exhibit A – Rezone Map](#)
 [Exhibit B – Property Use and Development Agreement for 2501 NW Market Street](#)

Supporting
Documents: [Summary and Fiscal Note](#)
 [Ex Parte Communication - Email](#)
 [Ex Parte Communication - Letter 1](#)
 [Ex Parte Communication - Letter 2](#)

Briefing, Discussion, and Possible Vote (15 minutes)

Presenter: Ketil Freeman, Council Central Staff

3. [CB 120534](#) **AN ORDINANCE** relating to tree protection; balancing the need for housing production and increasing tree protections; and amending Sections 23.44.020, 23.47A.016, 23.48.055, 23.76.004, 23.76.006, and Chapter 25.11 of the Seattle Municipal Code.

Attachments: [Full Text: CB 120534 v2](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Summary Att 1 - Expanded Summary of Code Changes](#)

[Director's Report](#)

[Draft Directors Rule 2023-XX - Tier 2 Trees](#)

[Draft Directors Rule 2023-XX - PIL](#)

[2023 Tree Hearing Schedule \(updated v2\)](#)

Briefing, Discussion, and Possible Amendments (60 minutes)

Presenters: Yolanda Ho and Ketil Freeman, Council Central Staff

E. Adjournment



Legislation Text

File #: CF 314470, **Version:** 1

Application of 2501 NW Market LLC for a contract rezone of a portion of a split-zoned site at 2501 NW Market Street from Industrial Commercial with a 65 foot height limit and Mandatory Housing Affordability (MHA) suffix (IC-65(M)) to Neighborhood Commercial 3 with a 75 foot height limit, Pedestrian designation and MHA suffix (NC3P-75(M)) (Project No. 3037522-EG; Type IV).

The Rezone Material is provided as an attachment.

2501 NW Market St. —

(SITE)

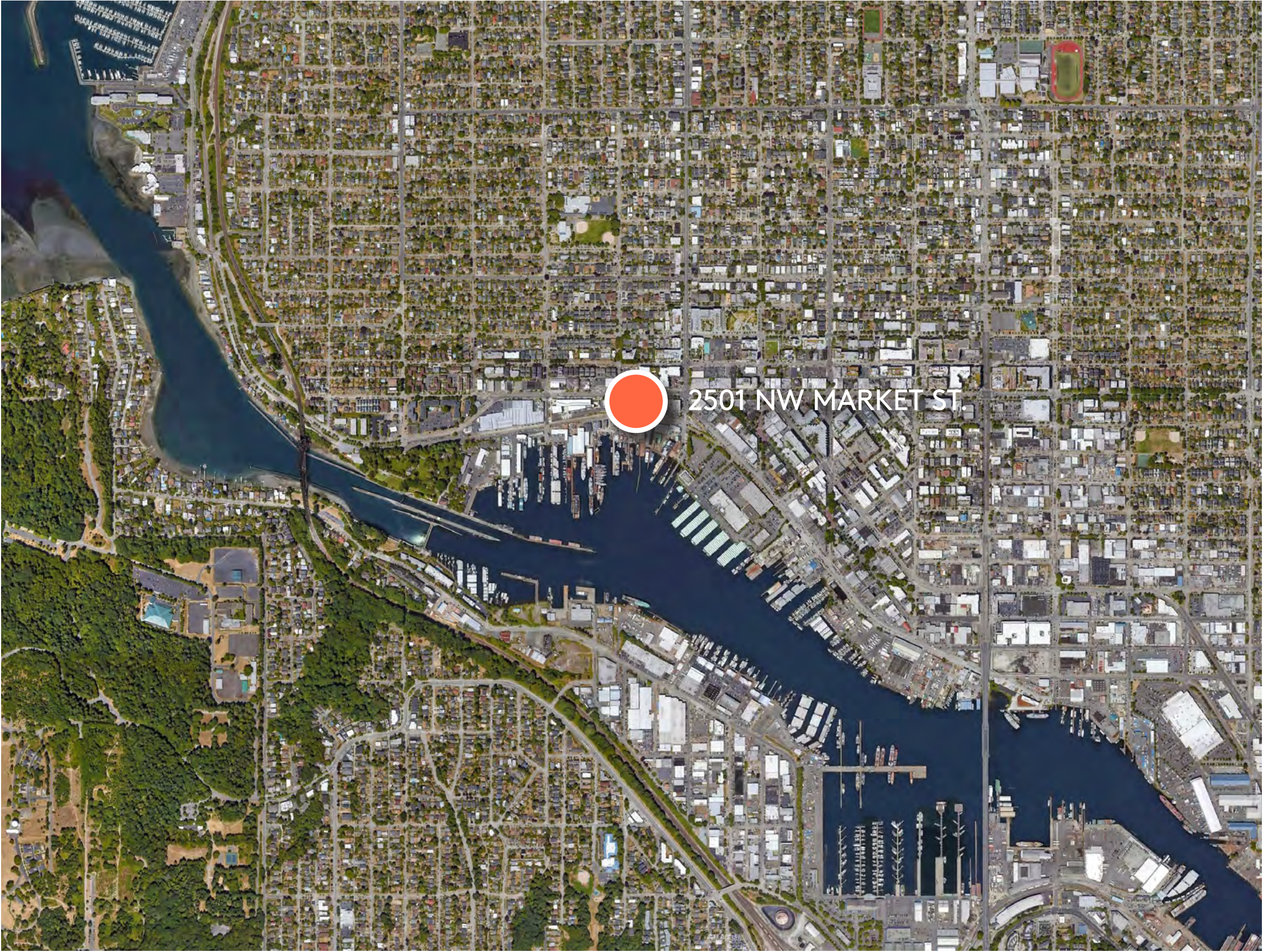
Early Design Guidance —
(Draft)
May 2021 (Tentative)

Address —
2501 NW Market St.
Seattle, WA 98107

Project Number —
3037522-EG

Applicant Team —
Developer: J. Selig Real Estate LLC
Architect: Mithun

CONTENTS



EDG Checklist Section Number	Page Number
3.0	Project Information
	Development Objectives
	2
4.0	Site Plan
5.0	Urban Design Analysis
6.0	Zoning Data
7.0	Design Guidelines
8.0	Massing Concepts
9.0	Departures

PROJECT INFORMATION



- Address:**
2501 NW Market St.
Seattle, WA 98107
- Developer:**
J. Selig Real Estate LLC
- Architect / Landscape Architect:**
Mithun
- Number of Residential Units:**
115-140 Units
- Gross Floor Area:**
117,000 - 125,5000 GFA
- Commercial Square Footage:**
~6000-7000 SF
- Number and Location of Parking Stalls:**
65-78 Below-Grade Parking Stalls (0.5 per unit)
- Project Description:**
7-story mixed-use multi-unit residential building (117,000 - 125,5000 GFA) containing approximately 115-140 residential units, 6000-7000 SF of commercial space and parking for approximately 65-78 vehicles. Residential use will consist of a mix of market rate and low income residential units. The project site is currently a split zone with NC3P-75 (M) on the east; and IC-65 (M) on the west. The applicant is pursuing a Contract Rezone in addition to a Master Use Permit (MUP). The development proposal shown in this package is based on NC3P-75 M zoning across the entire site, with an alternate option included requesting a Contract Rezone to NC3P-85 (M) for the entire site in order to provide additional housing units.

DEVELOPMENT OBJECTIVES



Development Objectives:

1. Contribute **exceptional housing** for the evolving Ballard Community.
2. Compliment and connect to the Ballard Avenue Landmark District with the extension of a walkable and bikeable Market Street.
3. Create a contextually responsive design informed by the **character** and **history of place**.
4. Promote a walkable streetscape.
5. Prioritize **unique, high-quality, timeless design** inspired by contemporary Scandinavian architecture and Ballard’s maritime-industrial neighborhood.
6. Incorporate **climate-responsive** design into the architecture.
7. Contribute to the **irreplaceable character** and culture that is **unique to Ballard**.

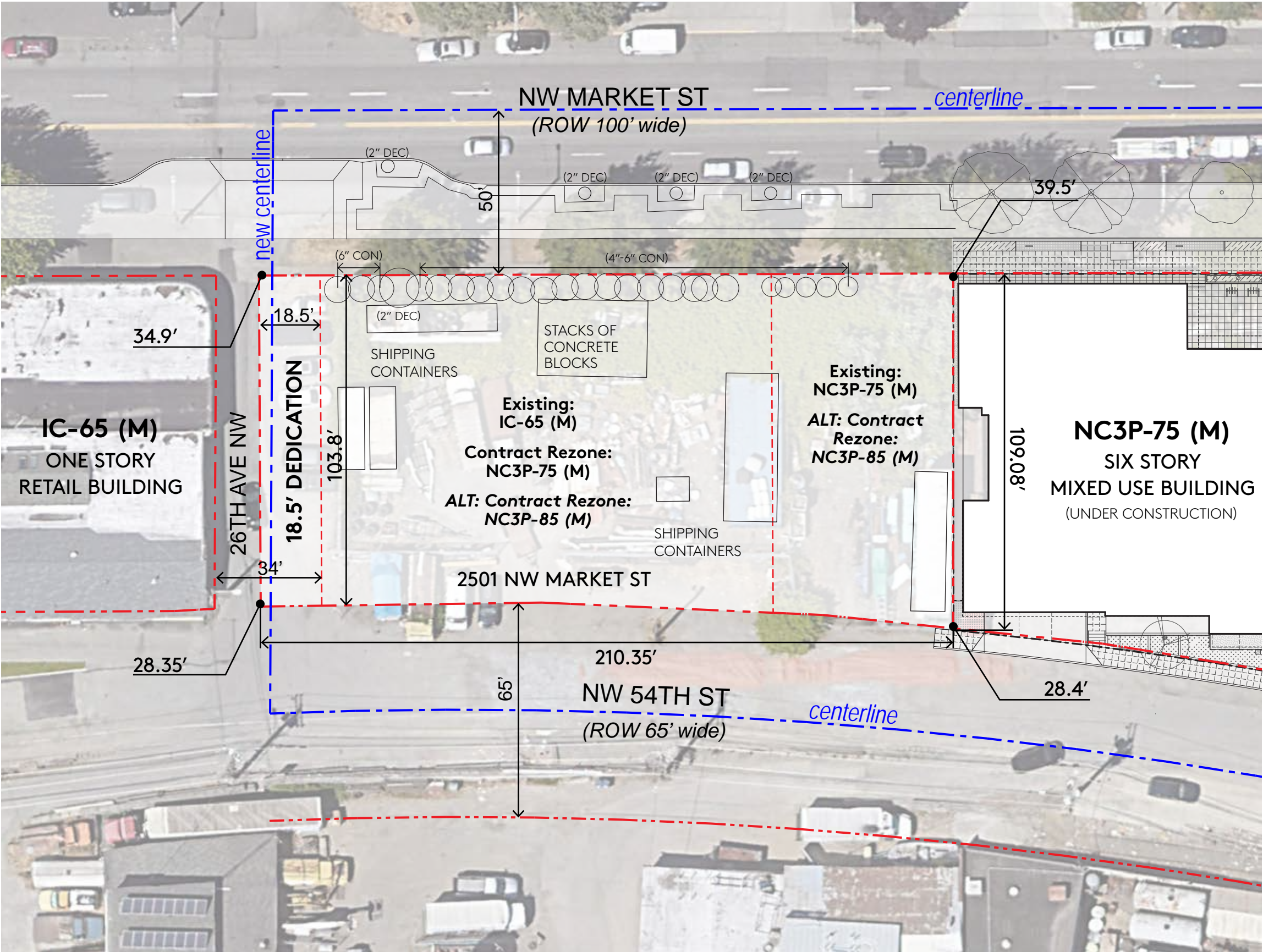
Community Outreach Summary:

1. 50 percent of survey respondents said **environmentally-friendly** features are most important to them.
2. Respondents also said that **attractive materials**, an **interesting and unique design**, quality parking, the relationship to **neighborhood character**, and drawing design inspiration from the **history and present day** of the area were important to them.
3. 56 percent of survey respondents said lighting and **safety features** are the most important consideration for the exterior space on this property. Others said **landscaping, seating options** and **places to congregate**, and **bicycle parking** were important to them.
4. A few respondents expressed concern that lost views of the ship canal, cityscape and Mt. Rainier will have a major impact on neighbors.
5. Others encouraged the project team to consider short-term noise, disruption and **aesthetics**.

Design Response to Outreach Summary:

1. The design will include a **high performing building envelope** and utilize **stormwater planters** on the site. Additionally, vegetation will be incorporated into terraces and rooftop decks.
2. The schemes shown will incorporate materials that reflect the **traditional architecture and industrial character of Ballard**. Although not required, the project will include below-grade parking to **reduce the impact** of spill over parking in the surrounding community.
3. All schemes prioritize **safety, privacy, and lighting**, to create a **space for interaction and connection** between residents, neighbors, and people passing by. Additionally, both **long and short term bicycle parking** feature prominently.
4. The schemes presented explore strategies to **reduce the scale of the building massing** in order to provide both daylight to the residents and allow continued upland views and access to the water.

URBAN ANALYSIS - EXISTING SITE CONDITIONS



Location

The site is bounded on the north by NW Market Street, on the south by NW 54th Street, and on the west by 26th Avenue NW.

Parcel Size

21,824 SF (0.5 Acres) (Parcel Number: 1125039037)

Legal Description

POR OF WLY 210.75 FT (MEAS ALG MARKET ST) OF VAC TRACT 49 FARMDALE HOMESTEAD LY N OF GN RR R/W & S OF SD MARKET ST

Existing Uses and Structures

The site is vacant and used for the laydown and storage of industrial material associated with ship yard across NW 54th Street.

Topography

The site slopes gently down from the northeast corner to the southwest corner. In total, the site slope measures approximately 11 feet in elevation difference from corner to corner, with approximately 6% slope along 26th Avenue NW from north to south.

Existing Trees

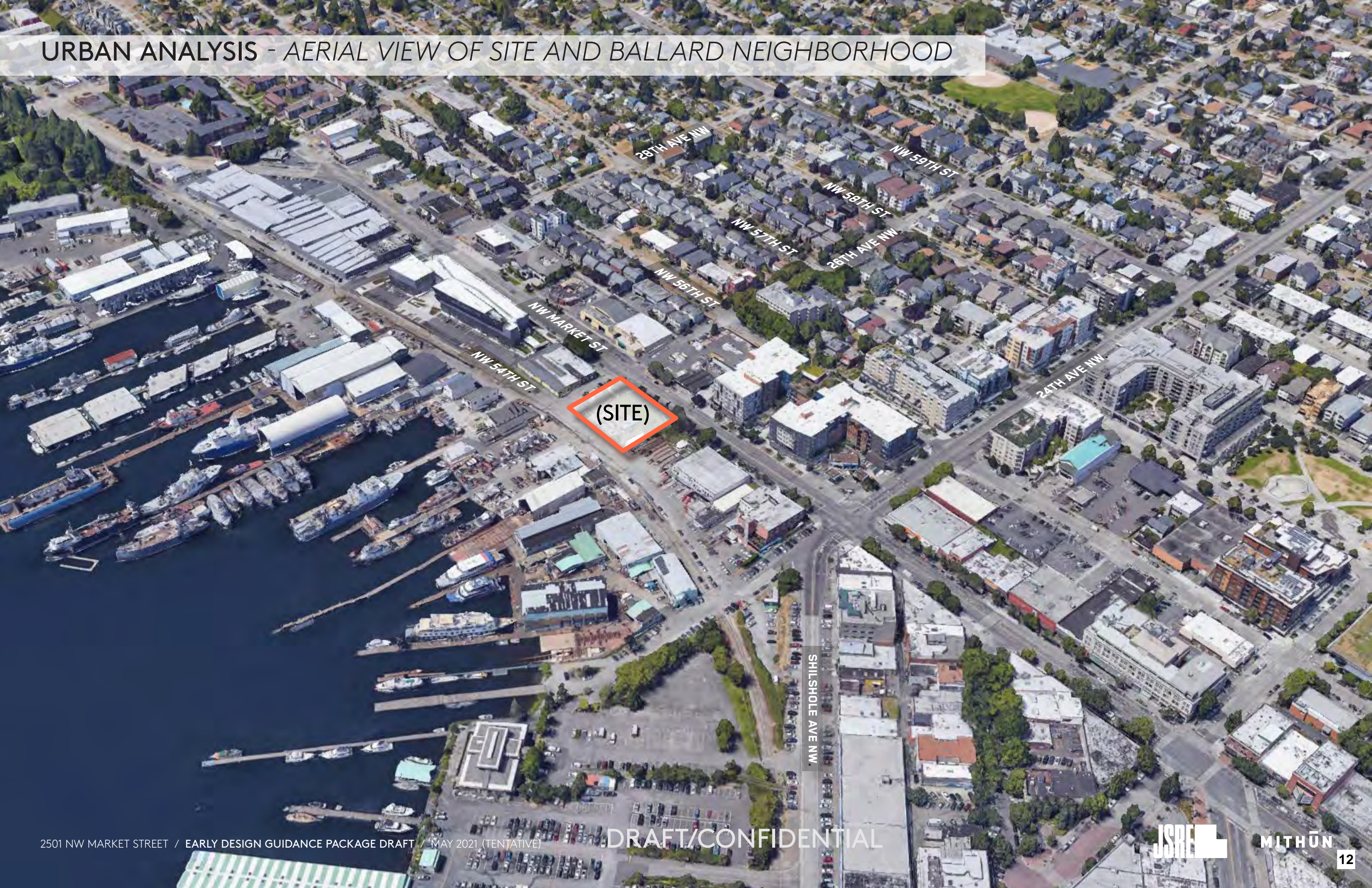
24 coniferous trees are located along the north edge of the site, ranging from 4"-6" in caliper, along with one 2" caliper deciduous tree. Additionally, four 2" caliper deciduous trees are located along Market Street, outside of the property line.

Contract Rezone

The western portion of the site is currently zoned "IC-65 (M)". A Contract Rezone is requested to change this portion to "NC3P-75 (M)" to match the eastern portion of the site and the neighbors to the east and northeast.

An alternate option is included requesting a Contract Rezone to "NC3P-85 (M)" for the entire site in order to provide additional housing units.

URBAN ANALYSIS - AERIAL VIEW OF SITE AND BALLARD NEIGHBORHOOD



(SITE)

URBAN ANALYSIS - AERIAL VIEW OF SITE



Aerial View Looking Southeast



Aerial View Looking Southwest

URBAN ANALYSIS - URBAN CENTERS / VILLAGES



BALLARD URBAN VILLAGE

2501 NW Market St

BALLARD GATEWAY

MAJOR BALLARD GATEWAY

NW MARKET ST

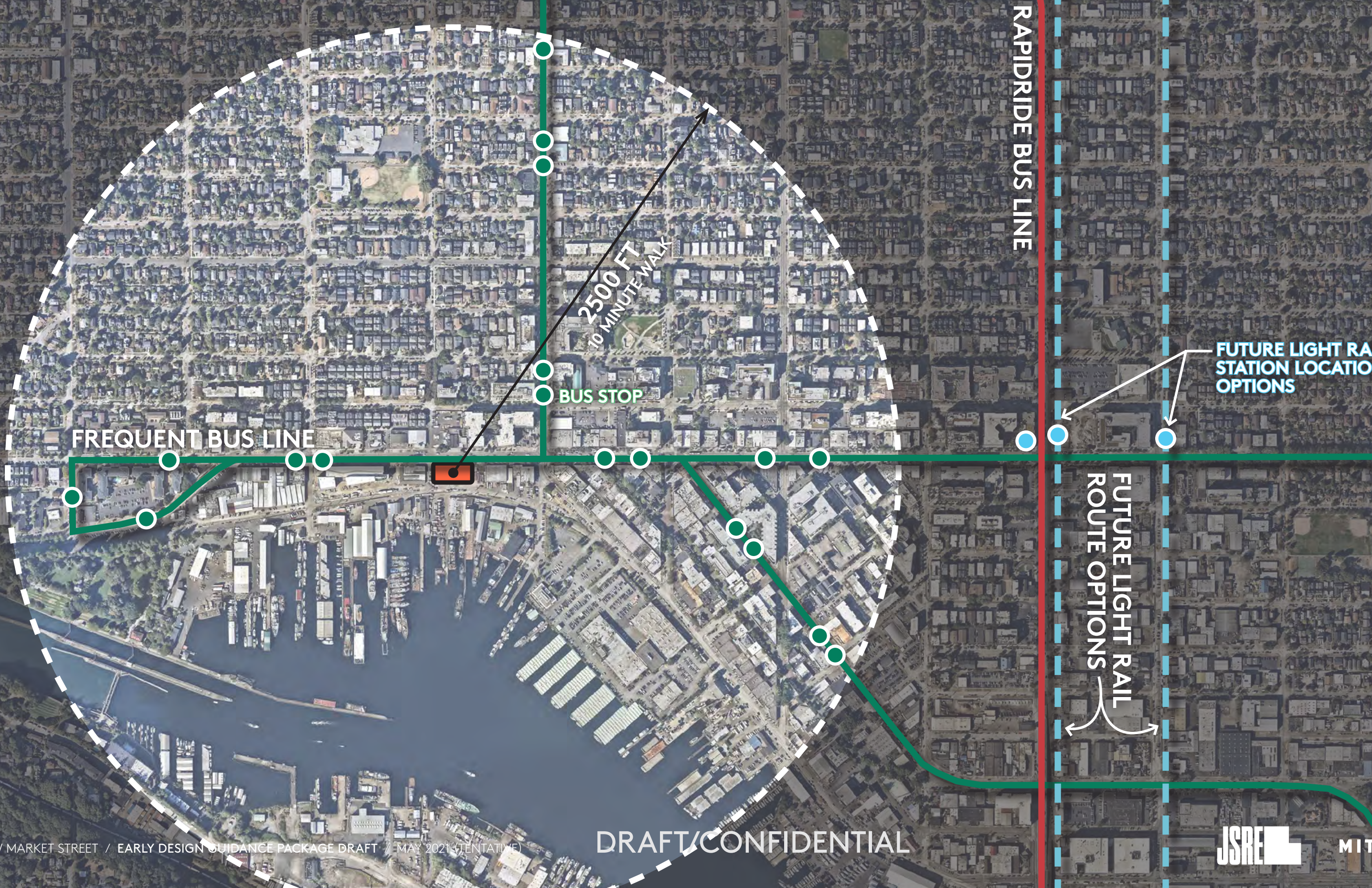
MAJOR BALLARD GATEWAY

BINMIC BOUNDARY

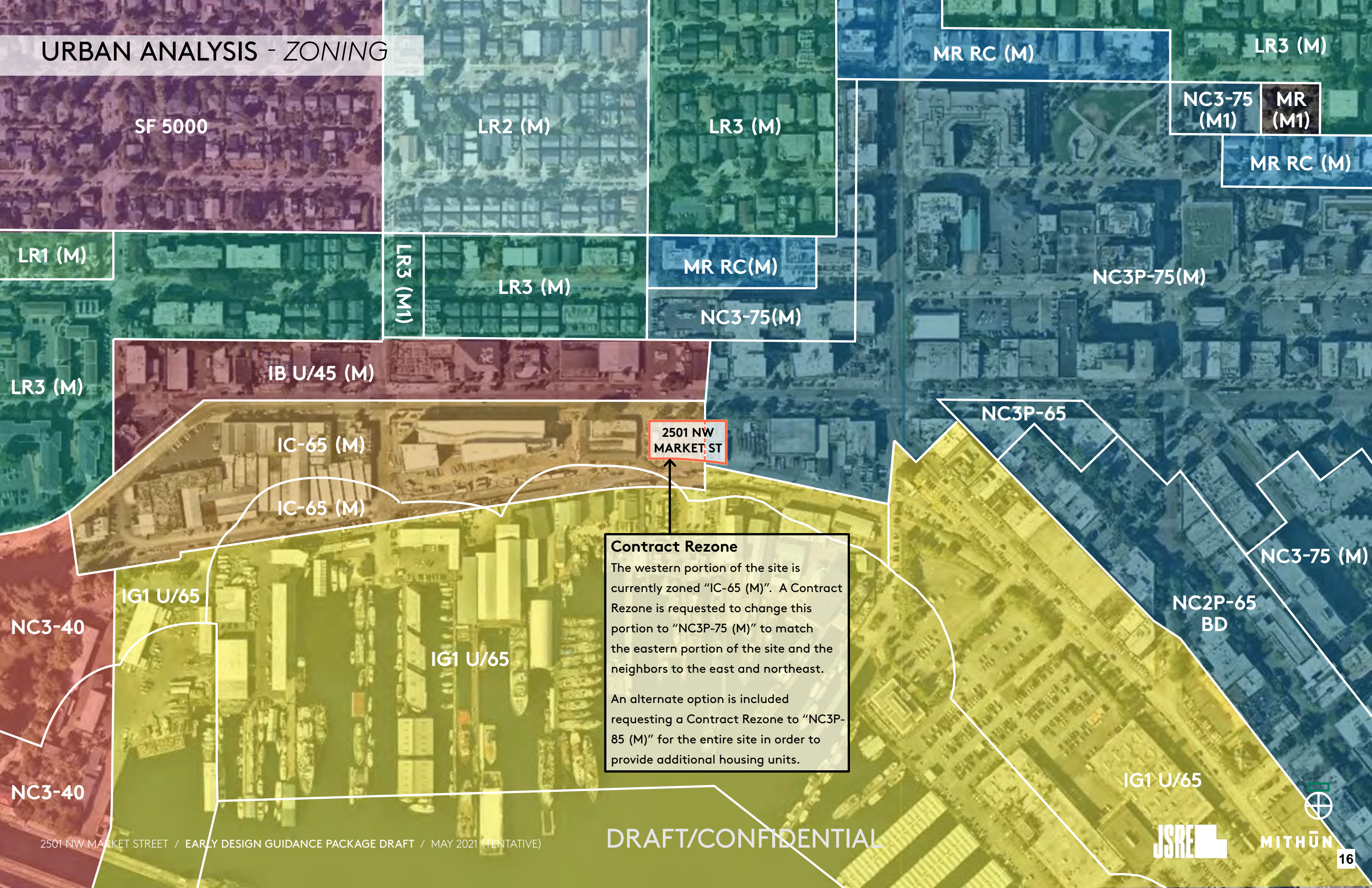
BALLARD GATEWAY

SHORELINE MASTER PROGRAM BOUNDARY

URBAN ANALYSIS - FREQUENT TRANSIT LOCATIONS



URBAN ANALYSIS - ZONING



SF 5000

LR2 (M)

LR3 (M)

MR RC (M)

LR3 (M)

NC3-75 (M1)

MR (M1)

MR RC (M)

LR1 (M)

LR3 (M1)

LR3 (M)

MR RC(M)

NC3-75(M)

NC3P-75(M)

IB U/45 (M)

IC-65 (M)

IC-65 (M)

2501 NW MARKET ST

NC3P-65

NC3-75 (M)

NC2P-65 BD

NC3-40

IG1 U/65

IG1 U/65

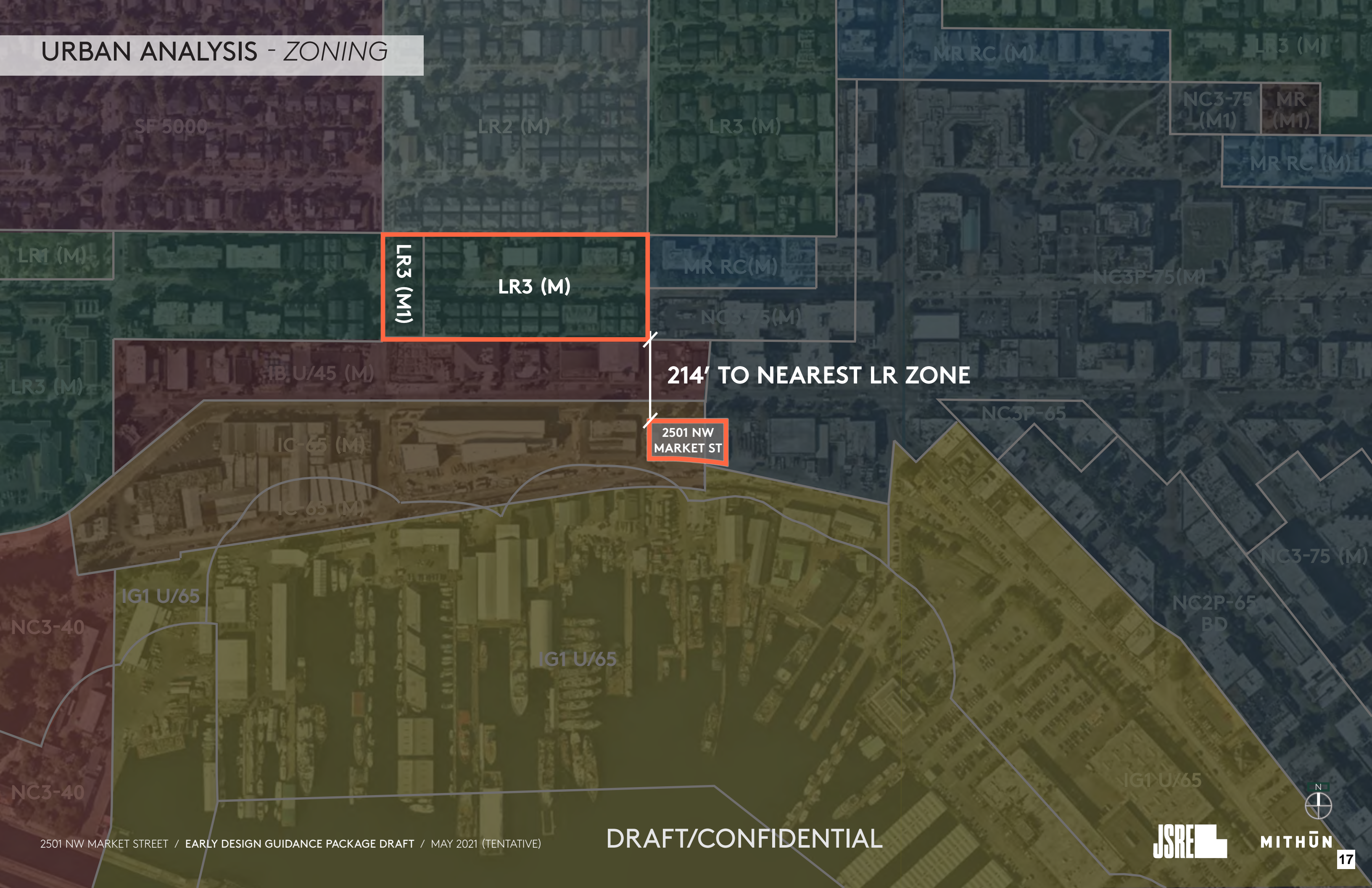
IG1 U/65

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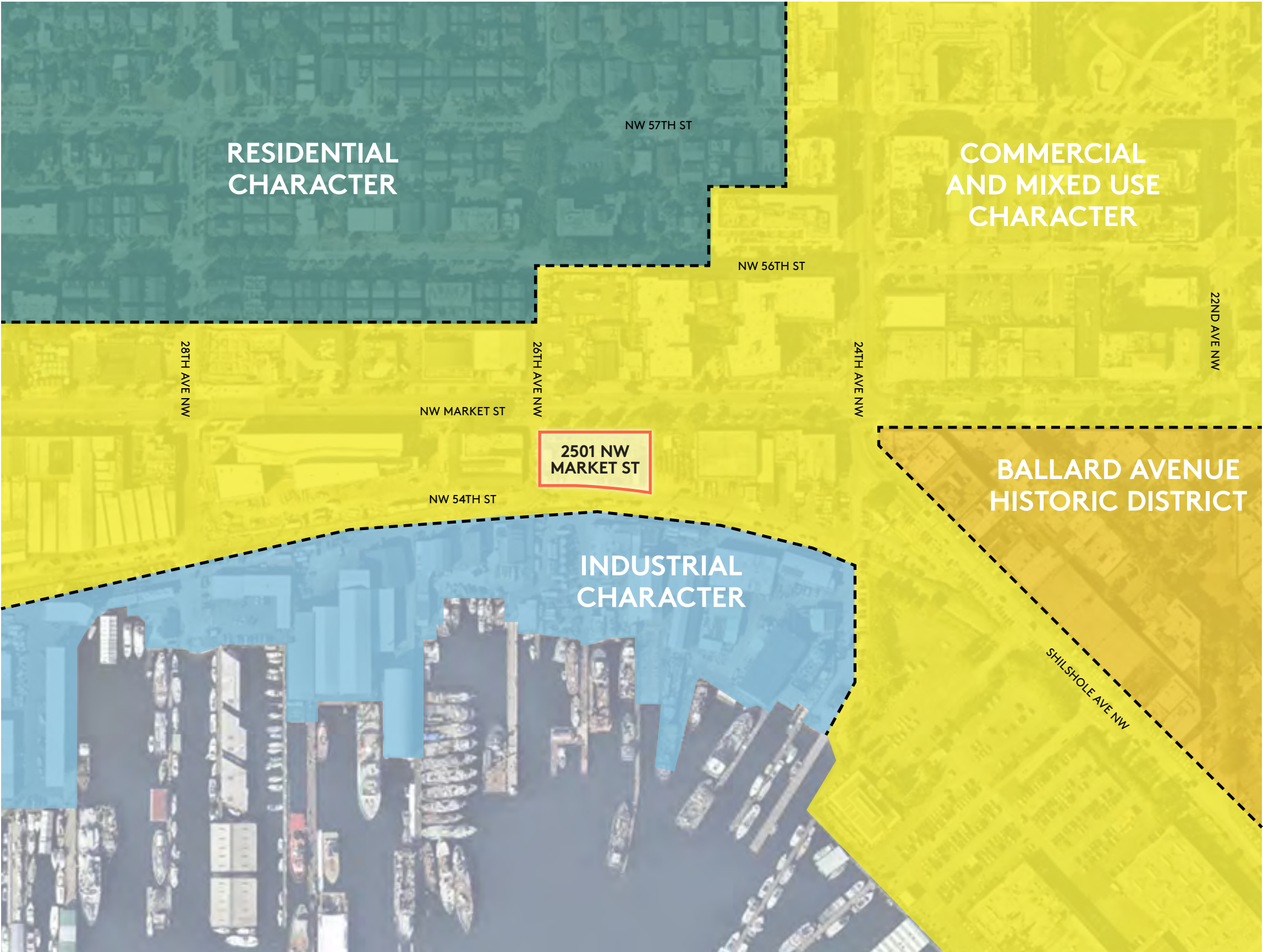
An alternate option is included requesting a Contract Rezone to "NC3P-85 (M)" for the entire site in order to provide additional housing units.

DRAFT/CONFIDENTIAL

URBAN ANALYSIS - ZONING



URBAN ANALYSIS - TRANSITION IN USE / CHARACTER



Commercial and Mixed Use ●●

This zone is characterized by newer mixed-use buildings, with retail at grade and housing above.



Residential ●

This zone includes single family houses and small multi-unit housing structures. The majority of these buildings are between 1 and 4 stories tall.



Industrial ●

The industrial area consists of warehouses, supply buildings, and shipyards. Buildings vary in height along the harbor/waterfront.



URBAN ANALYSIS - SURROUNDING USES (EXISTING)



LEGEND

- COMMERCIAL
- SINGLE FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- MIXED USE
- EDUCATIONAL
- COMMUNITY FACILITIES
- MANUFACTURING / INDUSTRIAL
- RELIGIOUS
- MUSEUM



URBAN ANALYSIS - TRANSPORTATION AND BOUNDARIES

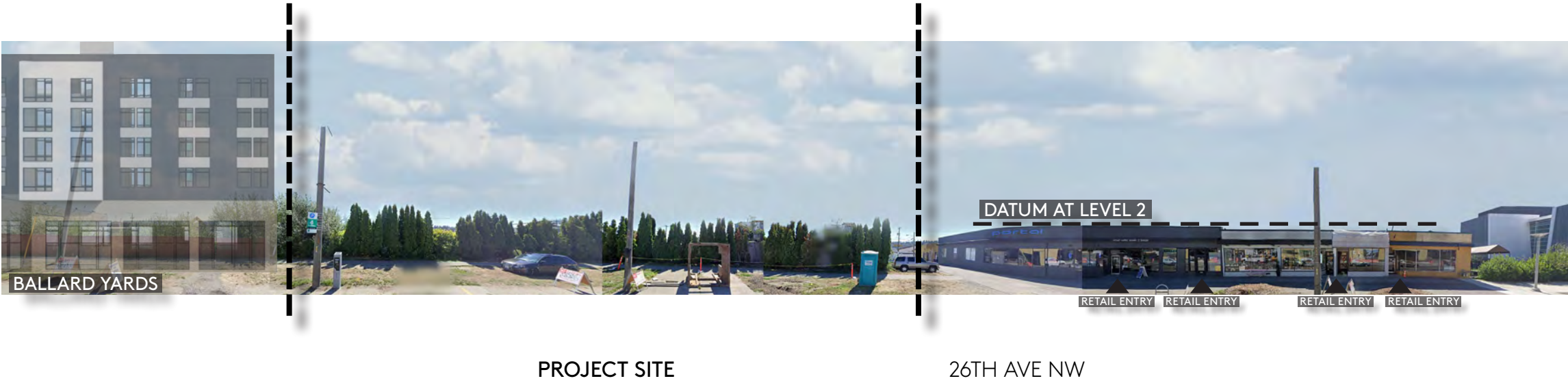


URBAN ANALYSIS - *STREETSCAPE*

01 ELEVATION - LOOKING NORTH FROM MARKET STREET



02 ELEVATION - LOOKING SOUTH FROM MARKET STREET



URBAN ANALYSIS - *STREETSCAPE*

03 ELEVATION - LOOKING SOUTH FROM NW 54TH STREET



04 ELEVATION - LOOKING NORTH FROM NW 54TH STREET



URBAN ANALYSIS - *STREETSCAPE*

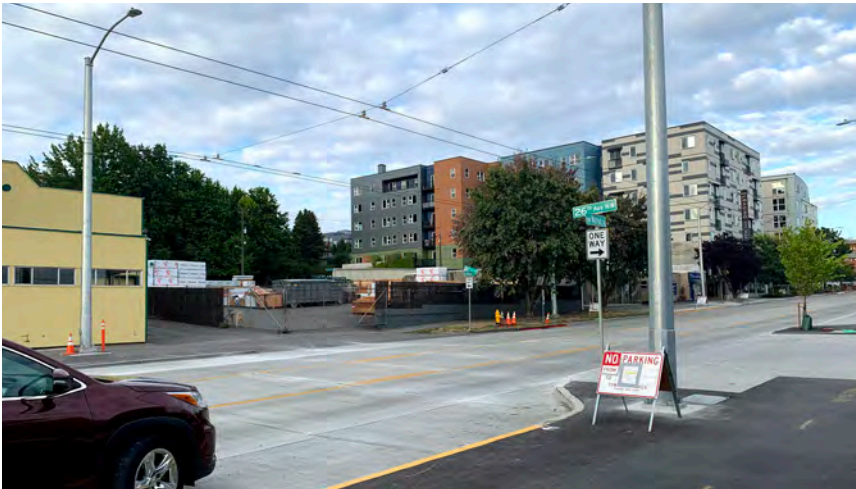
05 ELEVATION - LOOKING WEST FROM 26TH AVE NW



06 ELEVATION - LOOKING EAST FROM 26TH AVE NW



URBAN ANALYSIS - SITE PHOTOS



1. VIEW EAST TO AMLI MARK 24



2. INDUSTRIAL TO SOUTH



3. NORTH EDGE OF PROPERTY FROM MARKET



4. WEST EDGE OF PROPERTY LOOKING SOUTH



5. PROPERTY FROM MARKET



6. LOOKING WEST TOWARD THE NORDIC MUSEUM



7. WEST EDGE OF PROPERTY



8. NORTH TO LIMBACK LUMBER



9. SOUTH EDGE OF PROPERTY LOOKING EAST



URBAN ANALYSIS - BALLARD INDUSTRIAL CHARACTER



1. PACIFIC FISHERMEN INC.



2. BALLARD INDUSTRIAL



3. BARDHAHL OIL SIGN



4. SALMON BAY



5. STABBERT MARITIME



6. SEATTLE MARITIME ACADEMY



7. WAYPOINT MARINE



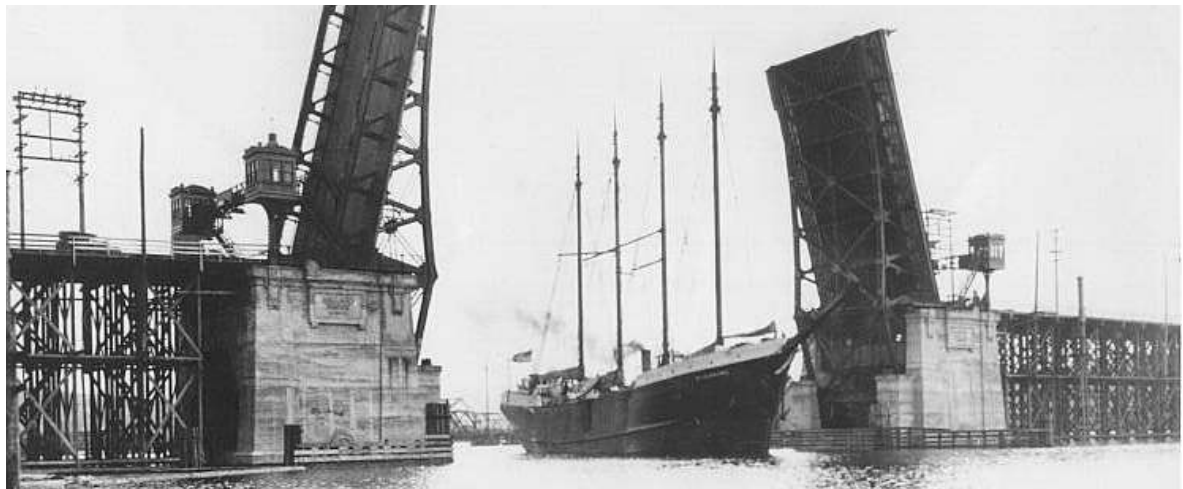
8. BALLARD OIL



9. BOAT STORAGE FACILITY



URBAN ANALYSIS - BALLARD HISTORY



URBAN ANALYSIS - TRADITIONAL BALLARD CHARACTER (BALLARD AVE LANDMARK DISTRICT)



1. SPACE ODDITY VINTAGE



2. PATXI'S PIZZA



3. STUDIO RA



4. CAFFE UMBRIA



5. BELLTOWER



6. THE MATADOR



7. MACLEOD'S



8. BALLARD ANNEX



9. SECRET GARDEN BOOKS



URBAN ANALYSIS - BALLARD NEIGHBORHOOD CHARACTER



1. NORDIC MUSEUM



2. 14TH AVENUE BOAT LAUNCH



3. BALLARD INN



4. BALLARD COFFEE WORKS



5. BALLARD RETAIL MURAL



6. ODIN STREET LEVEL



7. BALLARD AVENUE LANDMARK DISTRICT



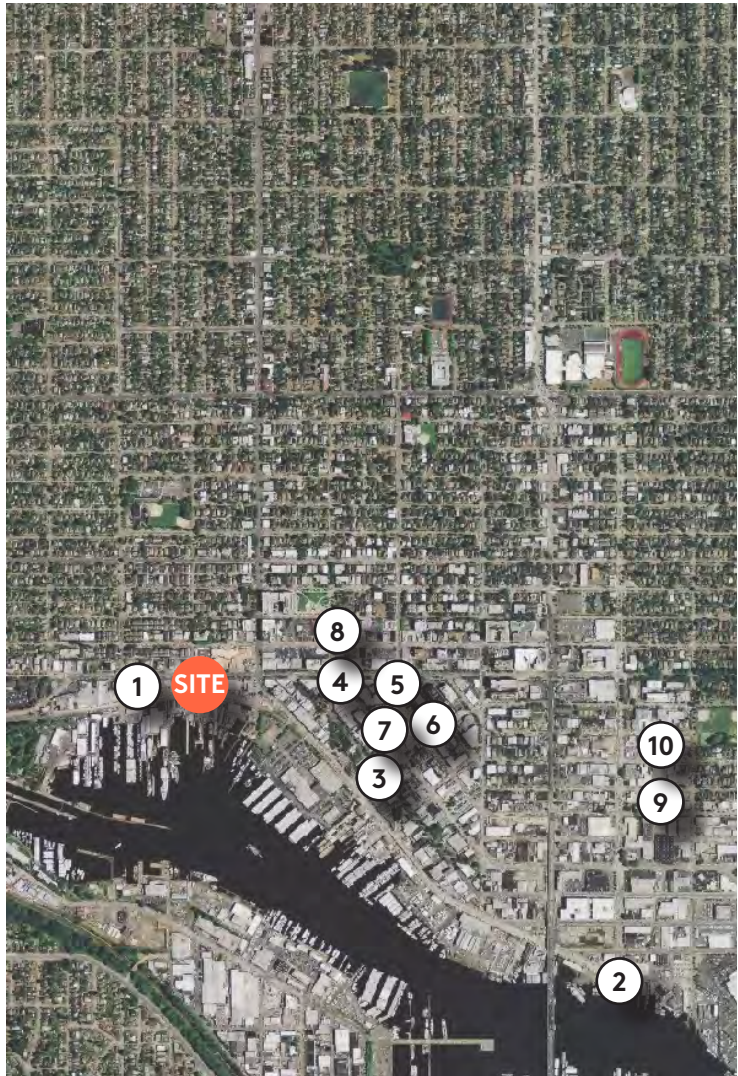
8. BALLARD LIBRARY



9. TRAILBEND TAPROOM



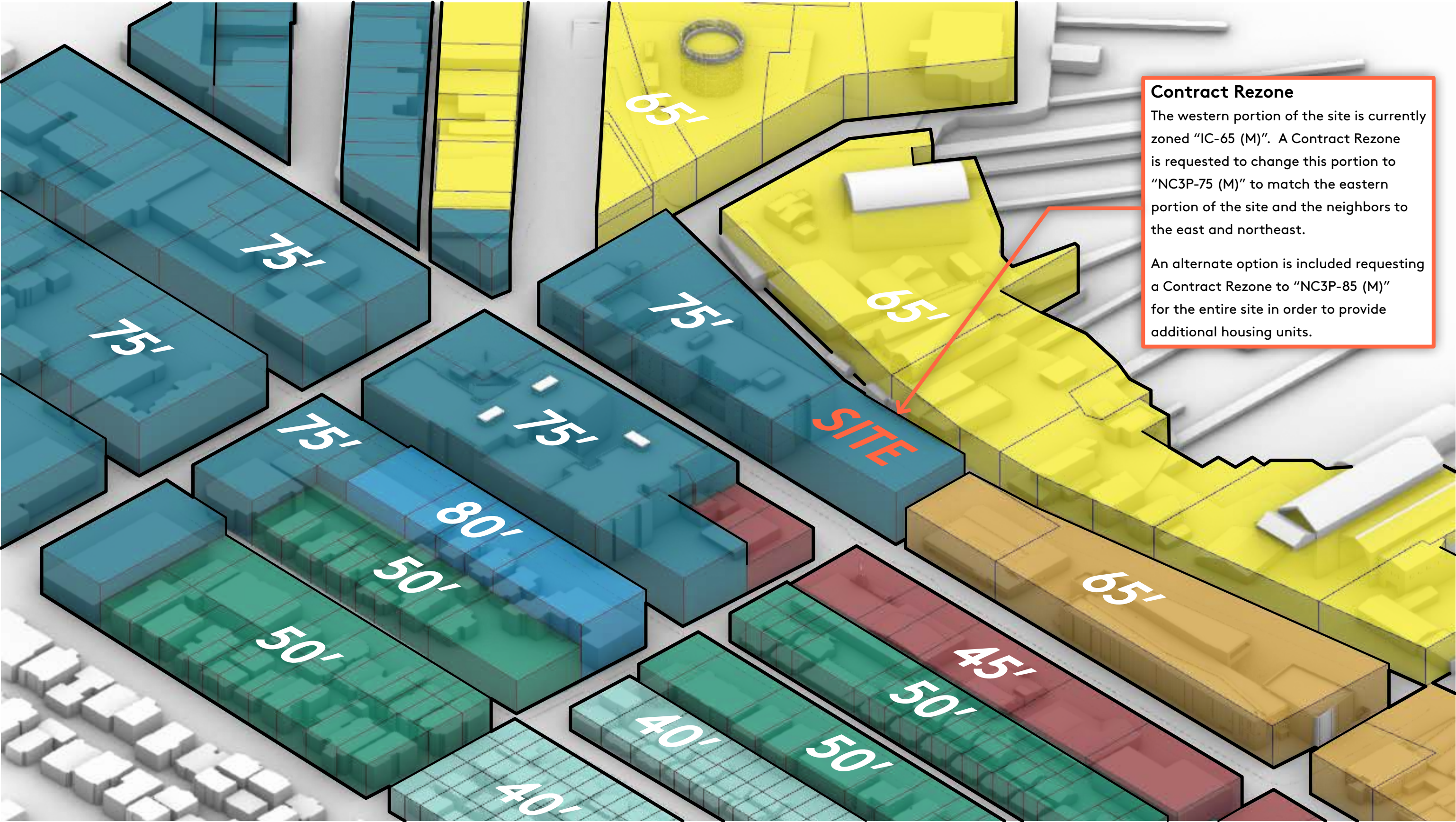
10. OBEC BREWING



URBAN ANALYSIS - NEARBY MATERIALS AND TEXTURES



URBAN ANALYSIS - CONTEXT ZONING POTENTIAL

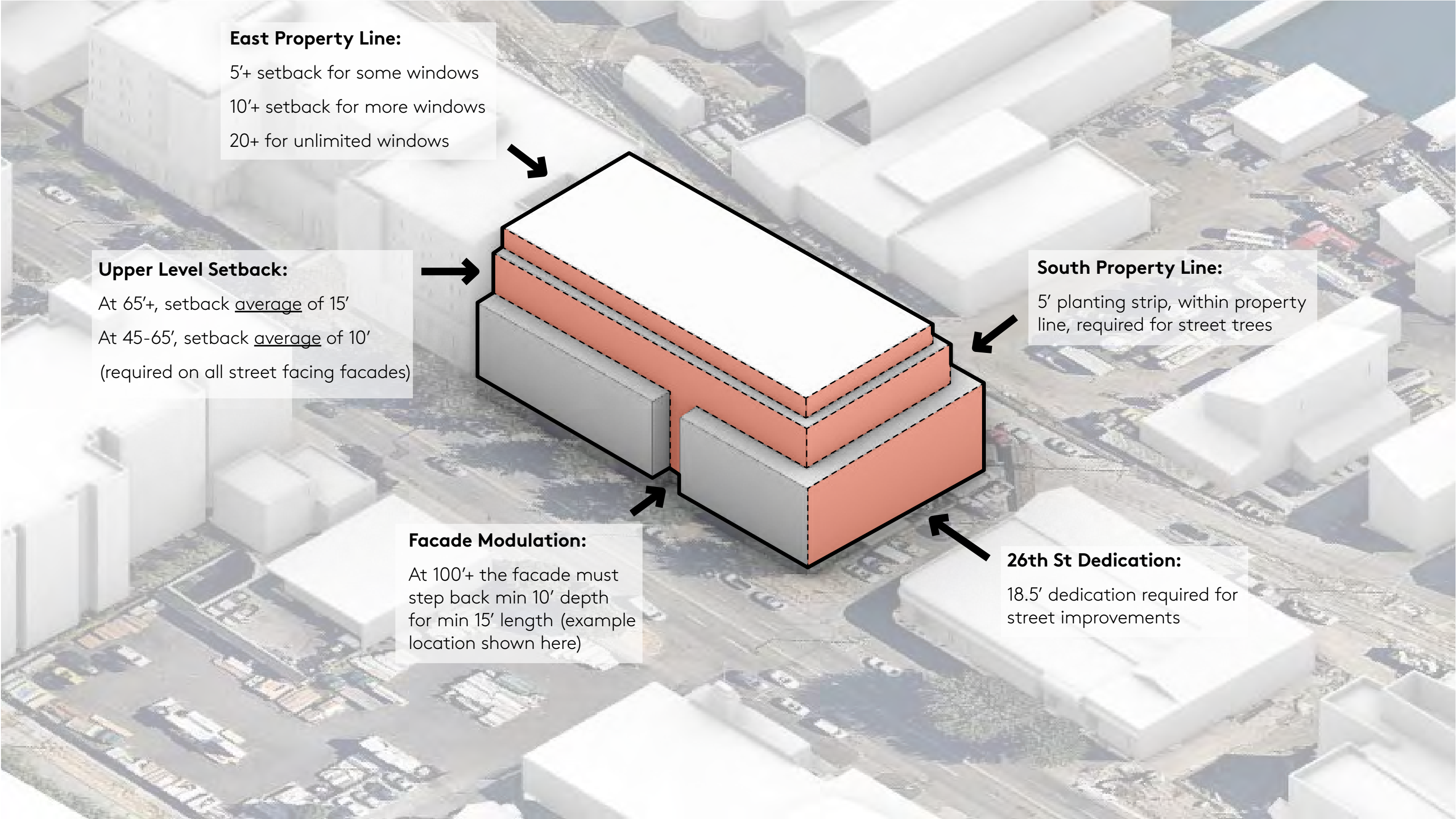


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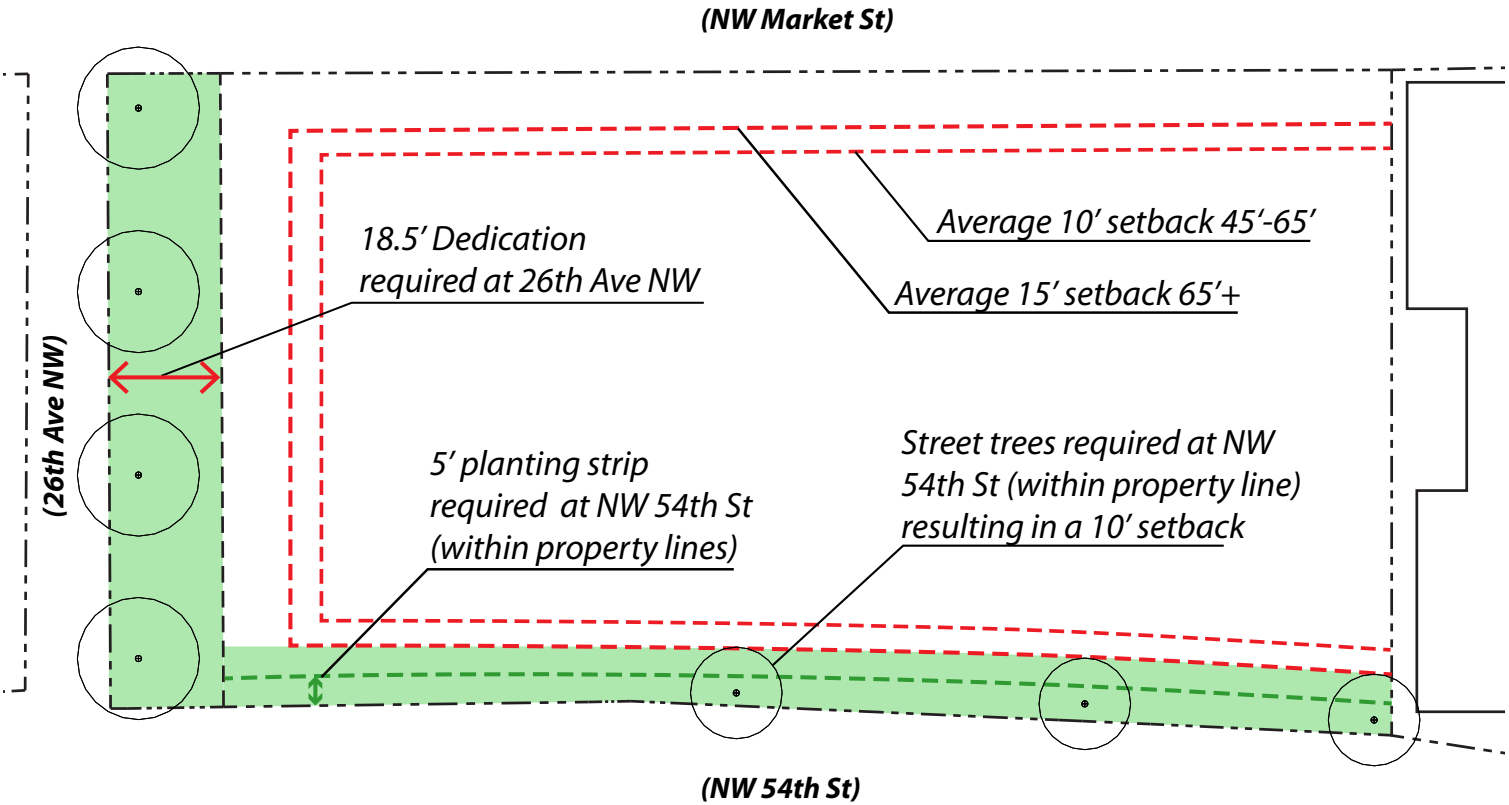
URBAN ANALYSIS - ZONING SUMMARY DIAGRAM - NC3P-75 (M)



SITE CONSTRAINTS & CAPACITY

Restrictive SDOT design directives limit development potential of the site and the range of design options. An 18.5' dedication is required on 26th Ave NW, running along the entire west property boundary. SDOT requests a planting strip and street trees along NW 54th St, located **WITHIN** the property boundaries. Due to the proximity of the trees to the building, this results effectively in a 10' setback along NW 54th St. In total, these requirements result in 3,850 sf of lost buildable site area. The SDOT street improvement requirements greatly reduce the capacity of the site and limit the range of viable massing options. In order to better utilize the development capacity and provide much needed housing for residents of Seattle, the applicant requests development standard departures from the upper level setbacks along two of the three streets (Ref. massing Options 2 and 3).

(18.5') 26th Ave NW - street dedication	1,900 sf
(5') NW 54th St - planting strip	1,000 sf
(5') NW 54th St - street tree additional setback (beyond the planting strip)	950 sf
Total affected site area	3,850 sf



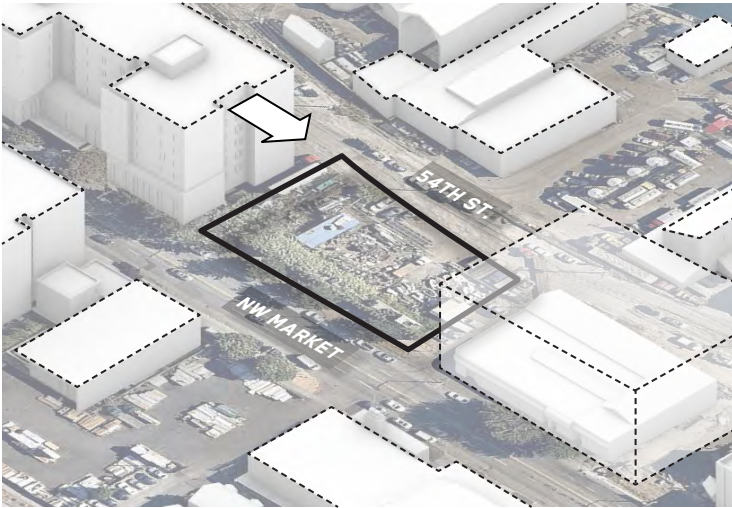
ZONING SUMMARY - SEATTLE - TITLE 23 LAND USE CODE

Applicable Code	Seattle Municipal Code - Title 23 - Land Use Code
Address	2501 NW Market St
Parcel Number	1125039037
Zoning / Land Use Classification	NC3P-75 (M), NC3P-85 (Contract Rezone)
Site Area	21,825 SF (0.5 Acres)
Special Review District	NONE
Urban Center Overlay	Ballard Hub Urban Village
Present Use	Vacant (Industrial)

23.47A.005 - Street Level Uses 23.47A.005.D.1: Along designated principal pedestrian streets, 80% of the street-level street-facing facade must be a use listed in 23.47A.008.C (non-residential use).	<i>Applies to NW Market St: Non-Residential proposed along 80% of the street-level facade.</i>
23.47A.008 - Street-Level Development Standards 23.47A.008.A.2 - Blank Facades Blank segments of the street-facing facade between 2 feet and 8’ above the sidewalk may not exceed 20’ in width. The total of all blank facade segments may not exceed 40% of the width of the facade of the structure along the street.	<i>Applies to all three street frontages. Blank facades will not exceed 20’ in width or 40% of total area.</i>
23.47A.008.B - Non-residential street-level requirements Transparency: 60% of the street-facing facade between 2’ and 8’ above the sidewalk shall be transparent.	<i>Applies to all three street frontages.</i>
Depth Provisions: non-residential uses greater than 600 sf are required to have an average depth of at least 30’ and a minimum depth of 15’. In a pedestrian designated zone, non-residential uses less than 600 sf are required to have an average depth of at least 20’ and a minimum depth of 10’.	<i>Commercial space proposed along NW Market St and will be compliant.</i>
Non-residential uses at street level shall have a floor-to-floor height of at least 13 feet.	<i>Commercial space proposed along NW Market St and will have a floor to floor height of 13’ or greater.</i>
23.47A.008.C.4 - Overhead Weather Protection Continuous overhead weather protection is required along at least 60% of the street frontage of a structure on a principal pedestrian street. The covered area shall have a minimum width of 6’.	<i>Applies to NW Market St. At least 60% coverage will be provided.</i>
23.47A.008.D.2. The floor of a dwelling unit located along the street-level, street-facing facade shall be at least 4’ above or 4’ below sidewalk grade or be set back at least 10’ from the sidewalk.	<i>Apartment units NW 54th St. Refer to plans.</i>

23.47A.009.F - Ballard Hub Urban Village 23.47A.008.F.2.B Facade Modulation The maximum width of any street-facing facade is 100 feet. Facades longer than 100 feet shall be modulated at 100-foot intervals by stepping back the facade a minimum depth of 10 feet and a minimum width of 15 feet.	<i>Applies to all three street frontages.</i>
23.47A.008.F.4.B Upper-Level Setbacks A setback with an average depth of 10’ from all abutting street lot lines is required for portions of a structure above a height of 45’ / and 15’ average above 65’.	<i>See departure requests.</i>
23.47A.012 Structure Height 23.47A.012.A Height limit - 75’ / 85’ ALLOWED.	<i>75’ and 85’</i>
23.47A.013 Floor Area Ratio (FAR) 23.47A.013.A FAR allowed - 5.5 / 5.75 ALLOWED.	<i>Schemes vary between 5.3 and 5.75.</i>
23.47A.024 Amenity Area 23.47A.024.A - Amenity areas are required in an amount equal to 5% of the total gross floor area in residential use (Gross floor area, for the purposes of this subsection, excludes areas used for mechanical equipment and accessory parking).	<i>5% minimum will be provided through a mix of public and private amenity space.</i>
23.47A.032 Parking Location and Access 23.47A.032.A.1.A. In NC zones, access to parking shall be from the alley if the lot abuts an alley.	<i>Refer to ground floor plans for garage access location.</i>
23.54.015 Required Parking and Maximum Parking Limits 23.54.015 - Required vehicular Parking NO MINIMUM REQUIREMENT IN FREQUENT TRANSIT SERVICE AREA.	<i>Though not required, APPROX. 65-78 residential stalls provided.</i>
23.54.015.K Bicycle Parking - table D Commercial Uses (eating and drinking): Long-term - 1 per 5,000 sqft / short-term - 1 per 1,000 sqft Commercial Uses (sales and services): Long-term - 1 per 4,000 sqft / short-term - 1 per 2,000 sqft Residential Uses (Multi-family structures): Long-term - 1 per dwelling unit / short-term - 1 per 20 dwelling units	<i>Commercial bike parking - 2 long term and 4 short term spots provided.</i> <i>Residential bike parking in excess of minimum requirement proposed.</i>
23.54.040 - solid waste and recyclable material storage and access	<i>Refer to ground floor plans for waste staging location.</i>

PRIORITY DESIGN GUIDELINES



CS2 Urban Pattern and Form

Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area. Consider the following:

1. Reinforce the character and role of Ballard’s Character Core, and Industrial character areas.
2. Break up the length of the street facing facades and limit to 50’-100’ segments to reflect historic lot widths.
3. Reflect traditional buildings with detail and quality materials, transparent facades at the street, and clearly identifiable building entrances.
4. Create unified facades from bottom to top.
5. Work with upper level setbacks to avoid street canyons.
6. Respect for adjacent sites.

Response:

The project team carefully analyzed the neighborhood and adjacent buildings when studying massing for this site. The massing options explore strategies of providing daylight for the neighbor to the east and consider the future development potential of the site to the west. The changing urban character of the district, transitioning from industrial to urban, is addressed through material selection and massing division.



CS3 Architectural Context and Character

Contribute to the architectural character of the neighborhood. Consider the following:

1. Create a unified design and integrate the upper levels into the overall building design.
2. Reflect the scale and proportion of the Ballard Avenue Landmark District and older buildings along NW Market Street.
3. Strong architectural elements that define and create human scale are preferred over an unorganized mix of styles and materials.
4. Reference history and culture that is unique to the site and context.

Response:

The massing options respond to the surrounding architectural character of the project site. The maritime-industrial uses south of the site, the traditional character along Ballard Ave east of the site, and the expansion of the urban center along Market St. are considered. The massing options presented reflect the utility and simplicity of industrial buildings, while employing modern urban design principles of breaking down the scale of the overall mass in compositional ways. Schemes provide access to light and air, promote outdoor areas for tenants, and accommodate street level activity along Market.



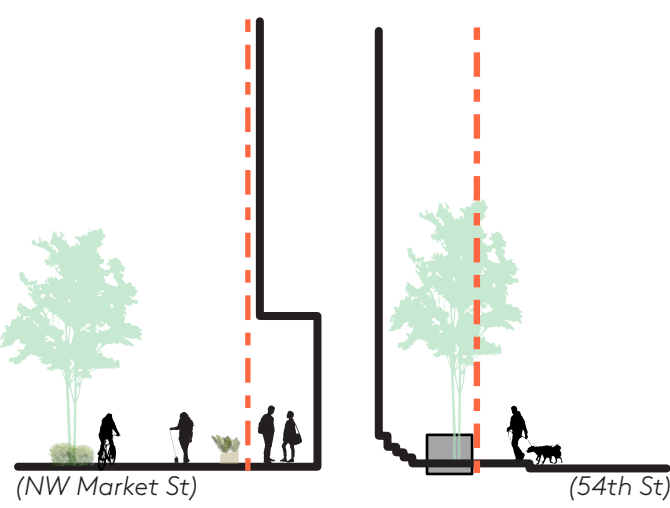
PL2 Walkability

Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features. Consider:

1. Access challenges
2. Eyes on the street
3. Lighting for safety
4. Street-level transparency
5. Overhead weather protection
6. People friendly spaces
7. Design as wayfinding

Response:

NW Market St. and NW 54th St. have distinct characters and the proposed layout of the ground plane reflects those distinct identities. The ground floor facade on Market St. balances a separation from the Burke Gilman trail with the need for an active streetscape. Meanwhile, the project provides additional planting and screening along 54th to create a buffer between the project and the active industrial sites across NW 54th St. to the south.



PL3 Street Level Interaction

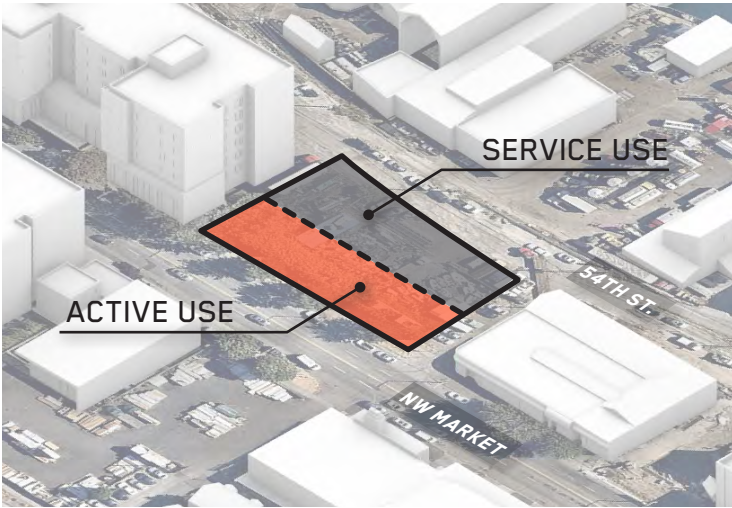
Encourage human interaction and activity at the street-level with clear connections to building entries and edges. Consider:

1. Create human-scaled street facades.
2. Encourage variety in awnings and signs along the street level facades.
3. Provide security and privacy for residential units that occur at the street.
4. Avoid deeply recessed commercial windows at the street level.
5. Consider small setbacks at the street level on busy streets and incorporate seating, displays, overhead weather protection, and relief from traffic.
6. Reduce the size of commercial spaces for small businesses that average 2000 SF, or less.

Response:

All schemes create space for interaction and connection between residents and visitors. As noted, the facade along 54th will maintain a buffer between the project and the industrial sites to the south. All facades will feature clearly demarcated entrances and transparency into active commercial spaces.

PRIORITY DESIGN GUIDELINES



DC1 Project Uses and Activity

Optimize the arrangement of uses and activities on site. Consider the following:

1. Design parking access to accommodate visitors, tenants, and shared or leased parking.
2. Combine and consolidate service areas with parking access.

Response:

Although not required, all schemes shown provide below-grade parking for residents both as an amenity and as a means to respond to parking concerns mentioned during community outreach. The ground floor plan of each option locates active commercial spaces along Market St. and orients other supporting ground floor uses along 54th St. and 26th Ave. NW to address concerns from the freight and maritime-industrial community neighbors.



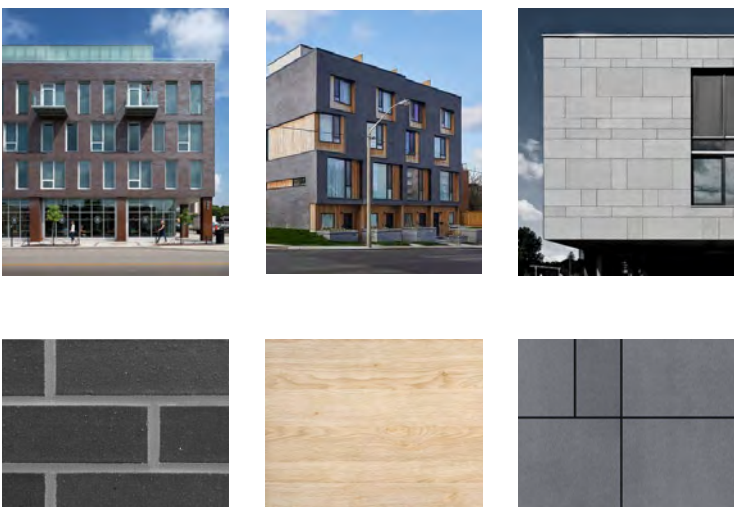
DC2 Architectural Concept

Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings. Consider the following:

1. Create horizontal divisions that make strong base levels, preferably two stories.
2. Reduce perceived building mass. The massing should reflect the dominant 50-100 foot parcel width that was common before 1930.
3. Ensure that overhangs are 13'-15' above the sidewalk.
4. At the street level, incorporate a variety of textures such as blade signs, uneven brick, gooseneck lights, and windows that add texture and scale.
5. Create well detailed highly visible storefronts, avoid small and deeply inset storefront windows.
6. Clearly differentiate residential use from commercial street-level uses.

Response:

The traditional, industrial, and maritime roots of Ballard provide inspiration for the schemes shown. The schemes allow for transparency and connectivity at the ground floor and explore different strategies to break down the upper level massing to reduce the structure height, scale, and bulk.



DC4 Exterior Elements and Finishes

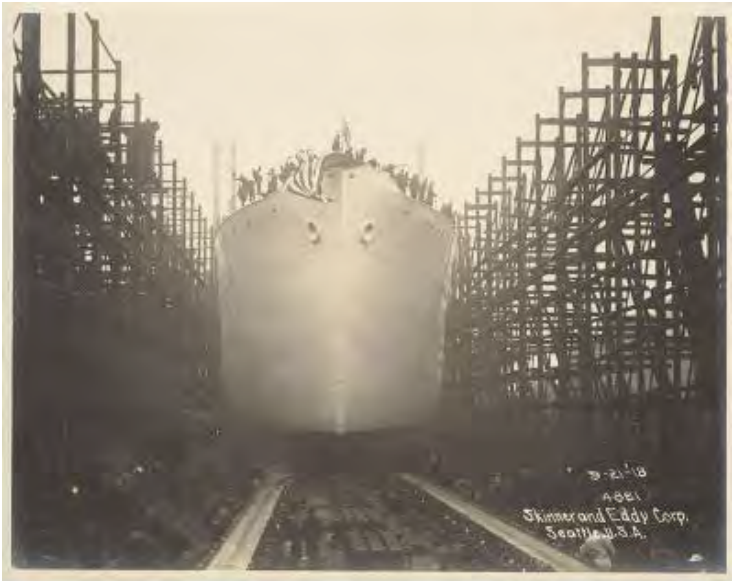
Use appropriate and high quality elements and finishes for the building and its open spaces. Consider the following:

1. Form and materials should respond to each other and changes in material should accompany a change in form or plane.
2. Select materials that convey permanence and require minimal maintenance such as brick, panel products with integral color, and metal.
3. Window openings should incorporate lintels and sills.
4. Avoid using a high variety of materials in an attempt to reduce bulk.
5. Use new technology and energy saving techniques.
6. Residential buildings should include operable windows.

Response:

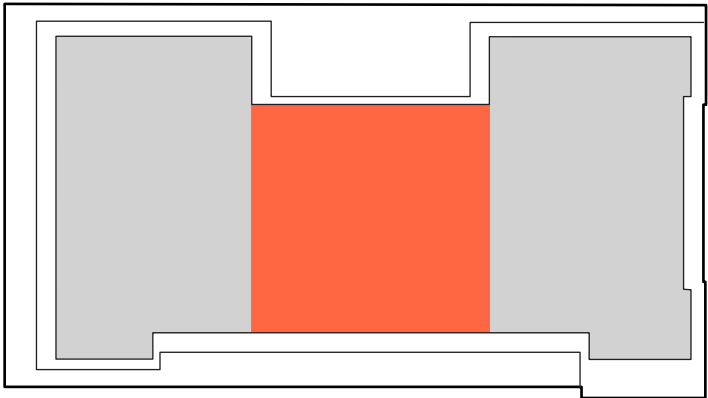
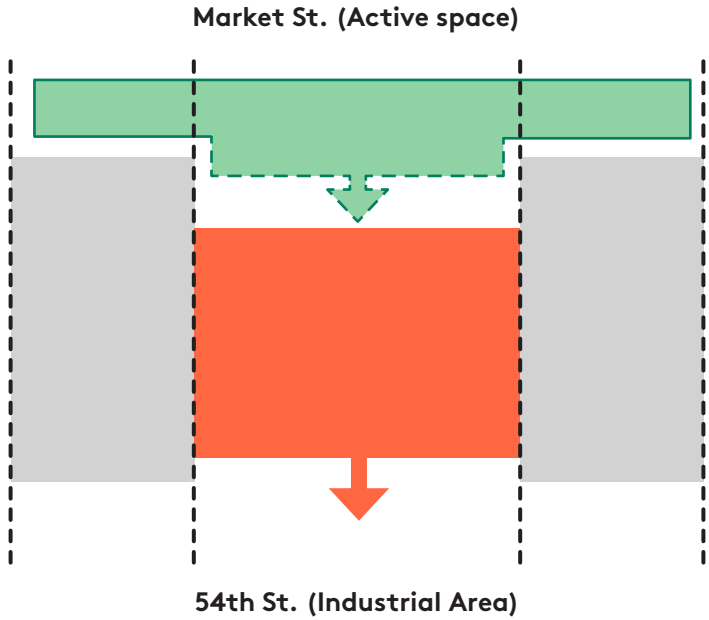
The project will employ materials with a restrained and timeless palette which acknowledges the maritime-industrial site adjacency, as well as the proximity of the design to the traditional character of nearby Ballard Ave. Lighting and signage will reinforce the design to establish a welcoming and safe environment. Lush landscaping both on site and within the right-of-way will contribute to a pedestrian oriented character and provide screened buffers.

COURTYARD / SCHEME 01 CONCEPT



Maritime Industrial History of Ballard

The Courtyard architectural concept stems from Ballard’s history as an industrial waterfront and its association with ship construction, as well as Ballard’s history as an independent town center. The image above depicts a ship launch in early Seattle. The image shows the ship held between anchoring scaffolding on each side. Ballard’s landmark character area is defined by buildings constructed before 1930 and facade lengths less than 100’ long, generally closer to 50’.



Relationship of Concept to Site Character

Market St. is an active east/west corridor in Ballard linking the site to the urban hub. The center massing is offset to the south toward the water, held between anchoring building ends, the concept is inspired by the process shown in the precedent image adjacent. Likewise, breaking the building into three divisions along the length of the street frontage allows for divisions closer to the historical lot width prevalent before 1930 (50'-100'). The proposed structure massing appropriately reduces the building scale along Market Street, as well as providing potential for quality outdoor space at the sidewalk for the use of retail patrons and building residents alike. Note that the courtyard is oriented toward the north away from industrial sites to the south to respond to comments from industrial neighbors.

EDDY / SCHEME 02 CONCEPT



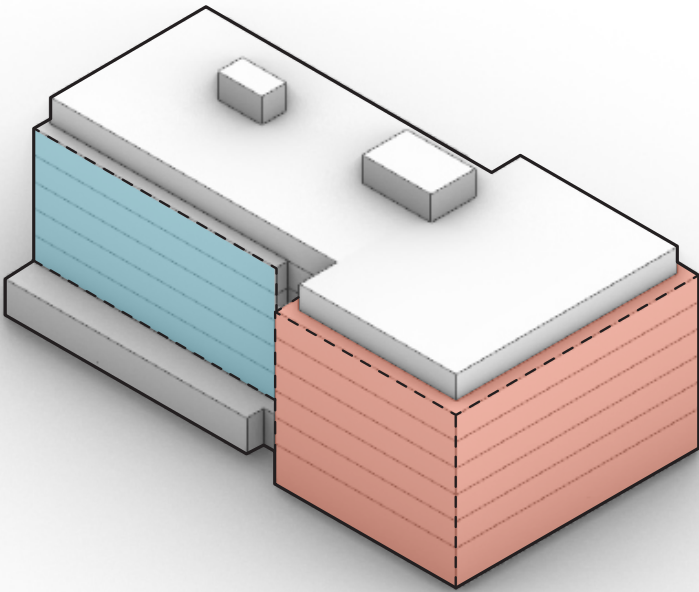
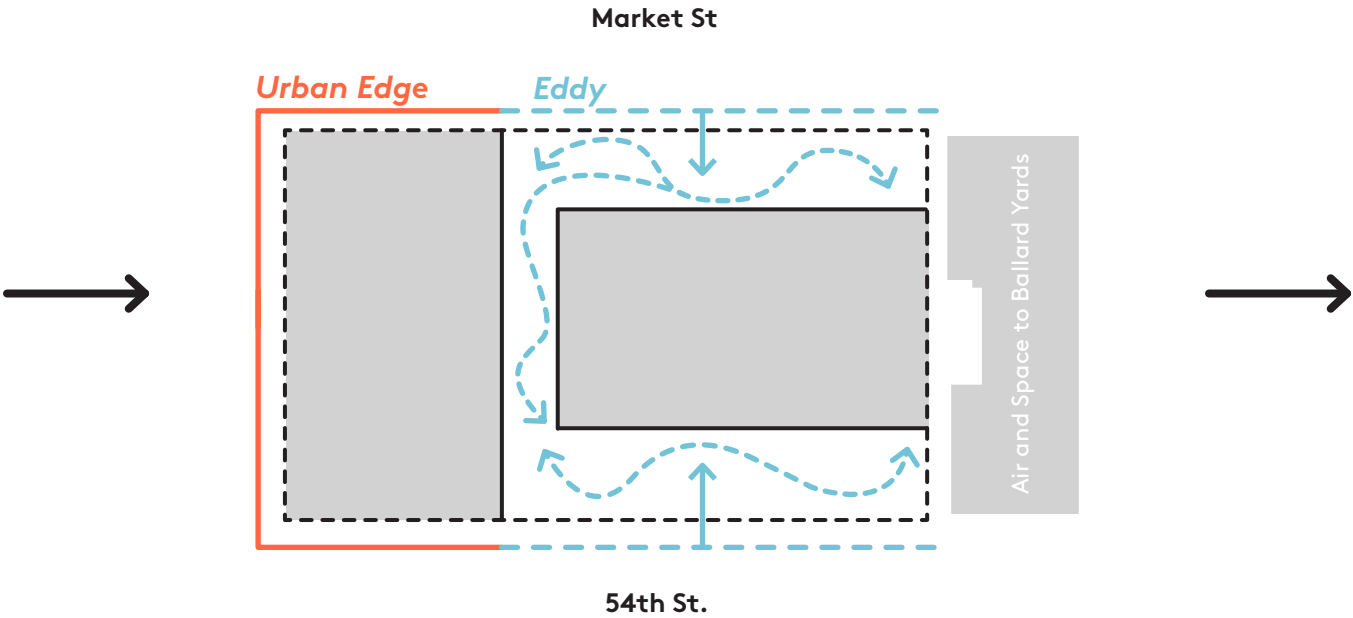
Urban Edge

The facades of buildings along Ballard Avenue define a continuous edge and provide coherent spatial definition. A character defining architectural presence along this edge creates a building with a unique visual impression and sense of place.

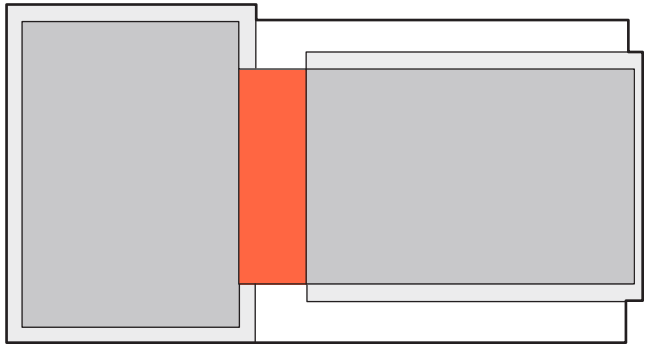


'Eddy'

An 'eddy' is defined as a circular movement of water, counter to a main current or flow. The eddy concept inspires a break along Market St., reducing the scale and bulk of the massing and directing views away from the eastern neighbor across the interior lot line.



- Urban Edge
- Eddy



Relationship of Concept to Site Character

Market St. serves as a primary east-west corridor in the community. Like the previous scheme, this scheme uses massing divisions to reduce the perceived scale of the building when viewed along the principal streets on the north and south frontages. A distinct building volume runs the length of 26th Ave. NW to clearly demarcate the corner site. Building setbacks provide visual breaks on the long Market St. and 54th St. facades while the project maintains a strong visual impression when traveling east on Market St. toward the Ballard urban center. The break between the two principal volumes will allow daylight into the corridor at the upper levels and provide views out to the north and south.

TERRACED / SCHEME 03 CONCEPT



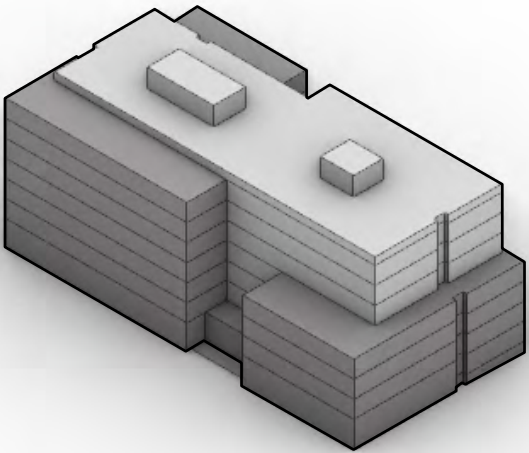
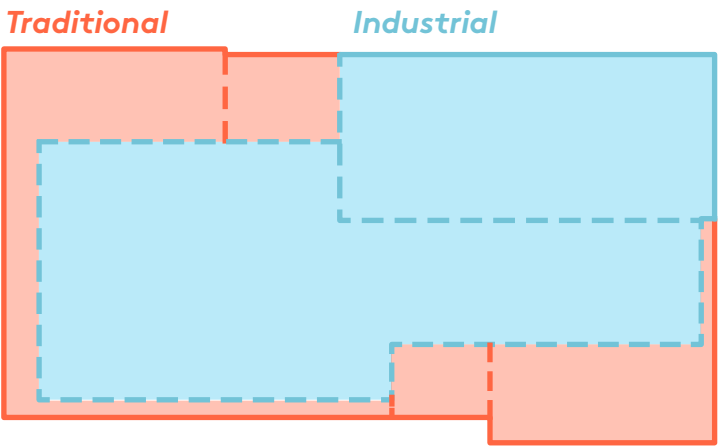
Traditional Ballard Character (Ballard Avenue Historic District)

The primary, street facing massing acknowledges the traditional architectural character along Ballard Avenue with historically resonant material application and simple rectilinear volumes that are inspired by the local landmarks.



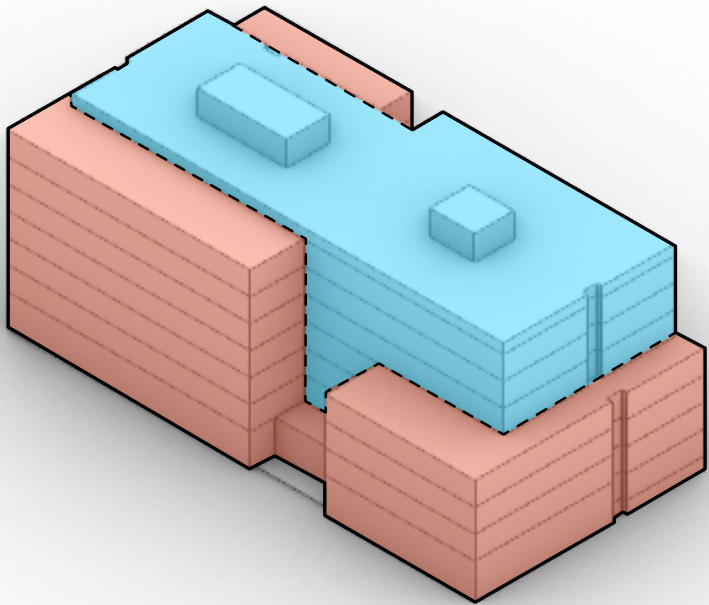
Industrial Ballard Character

The secondary, waterfront facing massing reflects the nearby maritime industrial uses located to the south of the site with a change in facade treatment, and a distinct architectural character that aligns with the massing divisions, all inspired by the utilitarian buildings in the area.



Relationship of Concept to Site Character

The resulting massing exercises architectural character, material application, and form to compliment the growing urban village, the nearby Ballard Avenue landmark character area, and acknowledge the adjacent industrial uses located along the waterfront. Building modulation reduces the perceived length of the project along NW Market Street. The building provides generous setbacks at the upper stories to create resident terraces and reduce the perceived height, scale, and bulk of the project when viewed from the street. The basic massing division also provides a break in the facade at the ground floor along Market Street to provide quality outdoor areas for residents and visitors along the sidewalk.

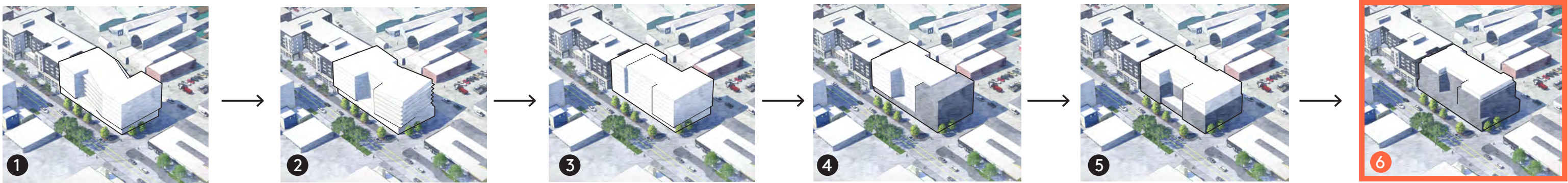


- Traditional Ballard Character
- Industrial Ballard Character

MASSING CONCEPTS - SCHEME DEVELOPMENT

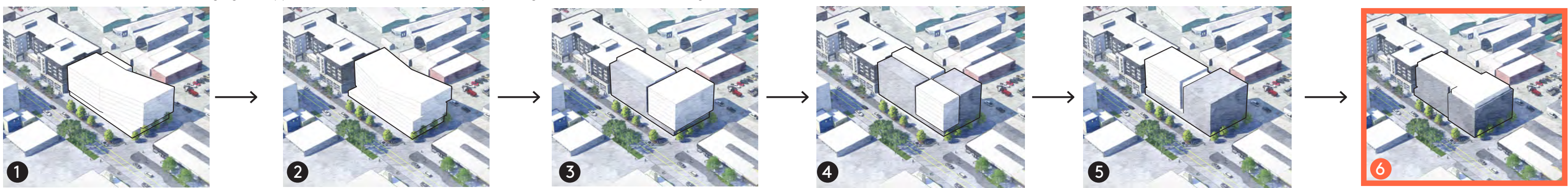
COURTYARD

Courtyard examines variations on a traditional multi-family typology. Early studies focus on the orientation of the building to direct views to the landscape and the offset of the building volume above the first story.



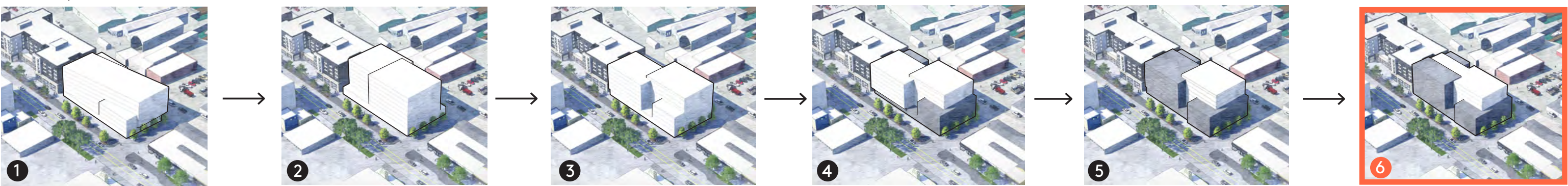
EDDY

Eddy explores ways to create a strong urban edge at the intersection of Market, 26th, and 54th by offsetting the structure mass against Ballard Yards on both Market and 54th, overhanging the upper volume above the base, and providing modulation for relief along NW Market St.

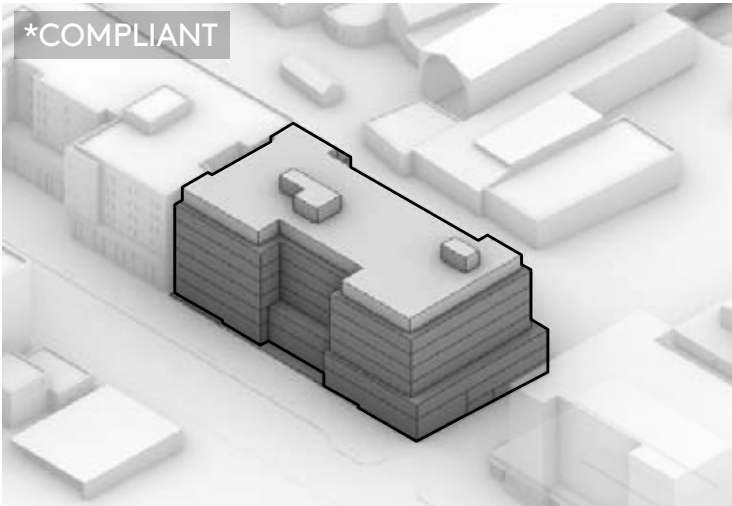


TERRACED

Terraced explores reduction of the building volume along the street facing facades to provide a better daylight penetration to the public right-of-way and create outdoor spaces with great views for residents. This scheme also provides a series of terraces at different levels to add visual interest and accessibility.



MASSING CONCEPTS - SUMMARY OF OPTIONS



COURTYARD / SCHEME 01

A courtyard is located along Market and 54th. The residential entrance, lobby, and commercial space are located along Market Street. Entries into ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.36 / 117,000 GFA
Unit Count:	125
Parking Stalls:	65-78
Commercial Area:	~6000 SF

PROS

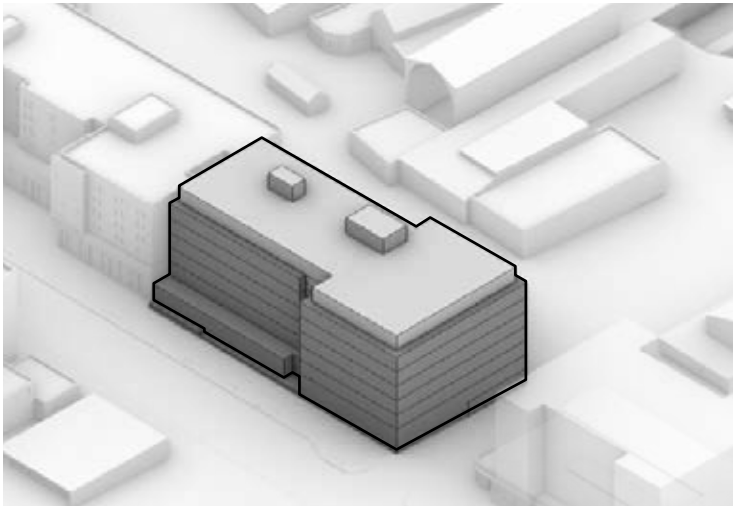
- Three divisions replicate historic site widths in Ballard.
- Courtyard provides usable open space at the street level.
- Courtyard is oriented to the north, away from active industrial waterfront uses located to the south.

CONS

- U-shaped organization mimics eastern neighbor.
- Required upper level setbacks and courtyard results in reduction in developable area.
- Long facade against the interior lot line.

DEPARTURES

- None.



EDDY / SCHEME 02

The massing employs a consistent language along Market St. and 26th Ave. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into amenity space and ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.48 / 119,600 GFA
Unit Count:	115
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

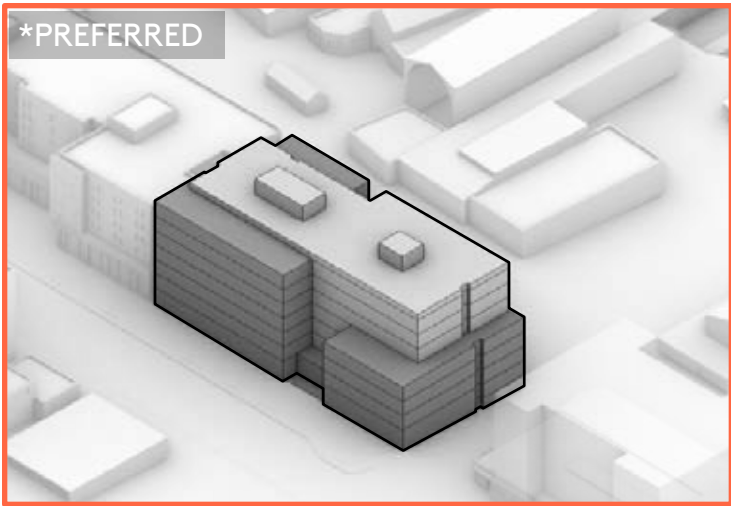
- Building organization allows outdoor amenity space above NW 54th Street facing the waterfront.
- Reduced facade length along NW Market Street.
- Unified massing composition.
- Reduced facade length along shared interior lot line.

CONS

- Tall continuous facade along 26th Ave NW facing western neighbor.
- Few opportunities for large outdoor amenity spaces below the roof

DEPARTURES

- Upper Level Setback Departure - A departure from the upper level setbacks at 45' and above along 26th Ave NW and NW 54th St.



TERRACED / SCHEME 03

The massing is setback from the street at the upper stories. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into 5 ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.5 / 120,000 GFA
Unit Count:	120
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

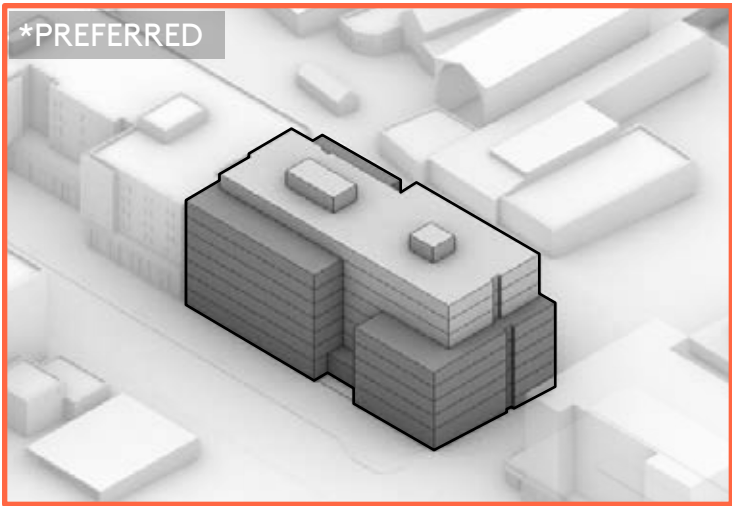
- Rich character and multiple opportunities for large outdoor amenity spaces.
- The varying size of building volumes relates to the smaller scale of existing industrial neighbors.
- Reduced building height, scale and bulk when viewed from NW Market Street and NW 54th Street.
- Setback upper level massing provides increased daylight penetration to the street.

CONS

- Reduction in the scale of the building at the NW corner when viewed east along NW Market Street.

DEPARTURES

- Upper Level Setback Departure - A departure from the upper level setback at 65' and above along Market St.



TERRACED / SCHEME 03 (85')

A variation on Scheme 03 that utilizes a 85' height limit through a NC3P-85(M) Contract Rezone.

FAR / GFA:	5.75 / 125,500 GFA
Unit Count:	140
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Upper level setbacks reduce the apparent structure height along NW Market St. and NW 54th Street.
- Additional height allowance provides more affordable units and housing density at a prime urban village site.
- Increased height allows for additional modulation along the interior lot line by providing flexible application of FAR.
- Higher building volume along the west edge of the site creates stronger corner along 26th Ave. NW and more attractive proportions when viewed from grade.
- This site is in close proximity to the future Ballard light rail station (approx .6 miles to the east). Additional housing at a TOD location supports city-wide goals.

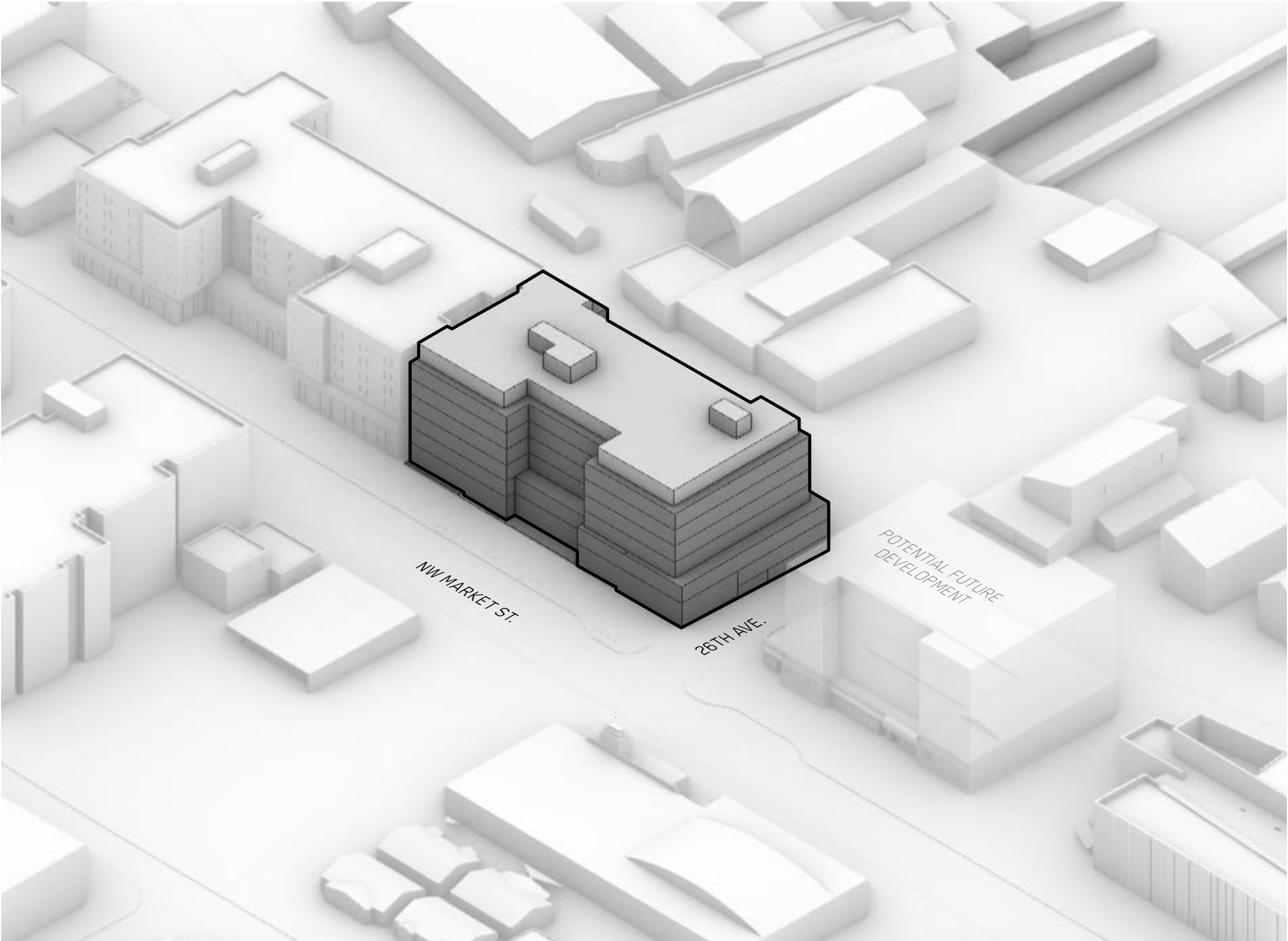
CONS

- The added height exceeds the scale of existing development around the site.

DEPARTURES

- None.

COURTYARD / SCHEME 01 SUMMARY



VIEW FROM NORTHWEST

COURTYARD / SCHEME 01 (COMPLIANT)

A courtyard is located along Market and 54th. The residential entrance, lobby, and commercial space are located along Market Street. Entries into ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.36 / 117,000 GFA
Unit Count:	125
Parking Stalls:	65-78
Commercial Area:	~6000 SF

PROS

- Three divisions replicate historic site widths in Ballard.
- Courtyard provides usable open space at the street level.
- Courtyard is oriented to the north, away from active industrial waterfront uses located to the south.

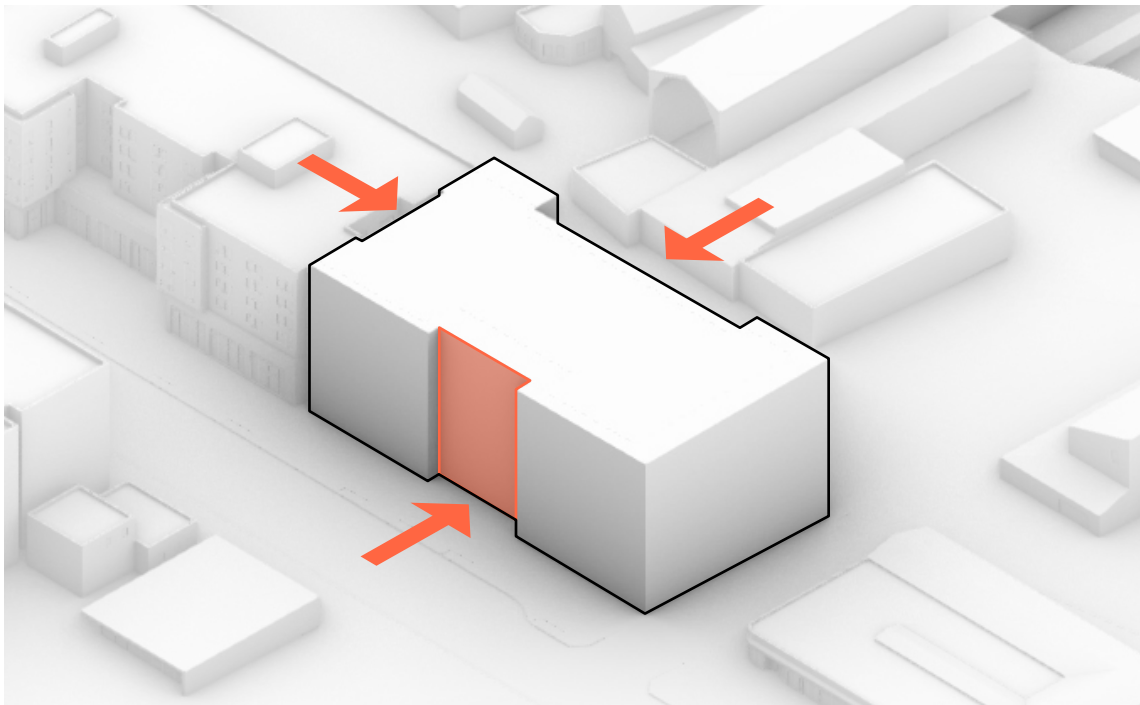
CONS

- U-shaped organization mimics eastern neighbor.
- Required upper level setbacks and courtyard results in reduction in developable area.
- Long facade against the interior lot line.

DEPARTURES

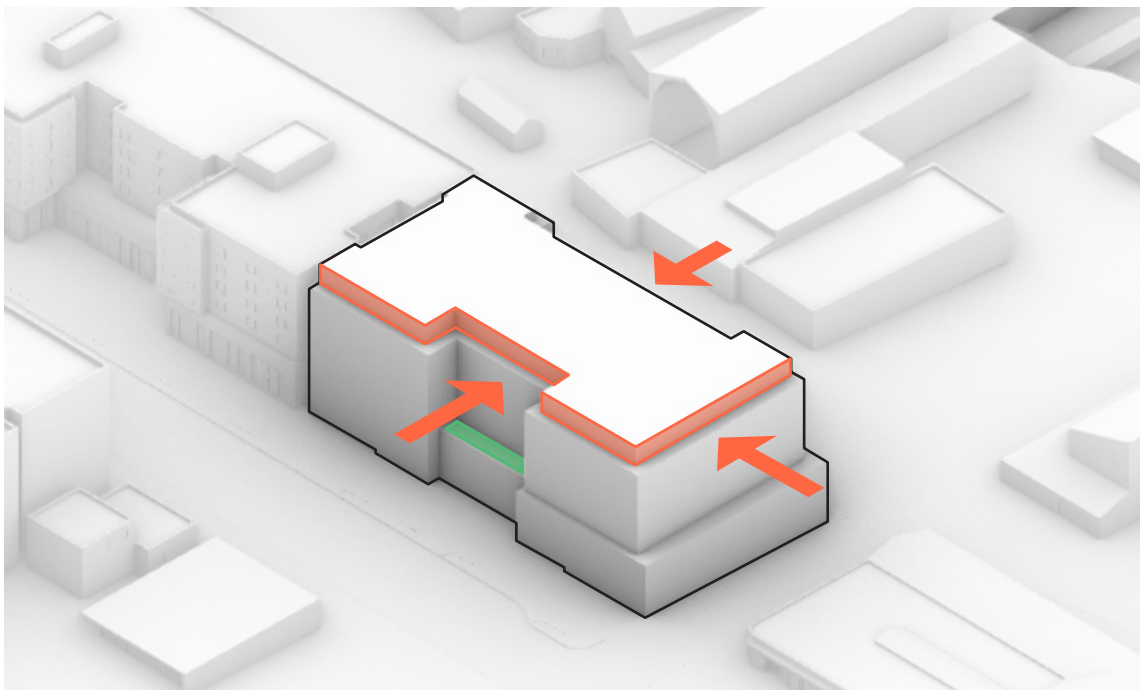
- None.

COURTYARD / SCHEME 01 CONCEPT DIAGRAM



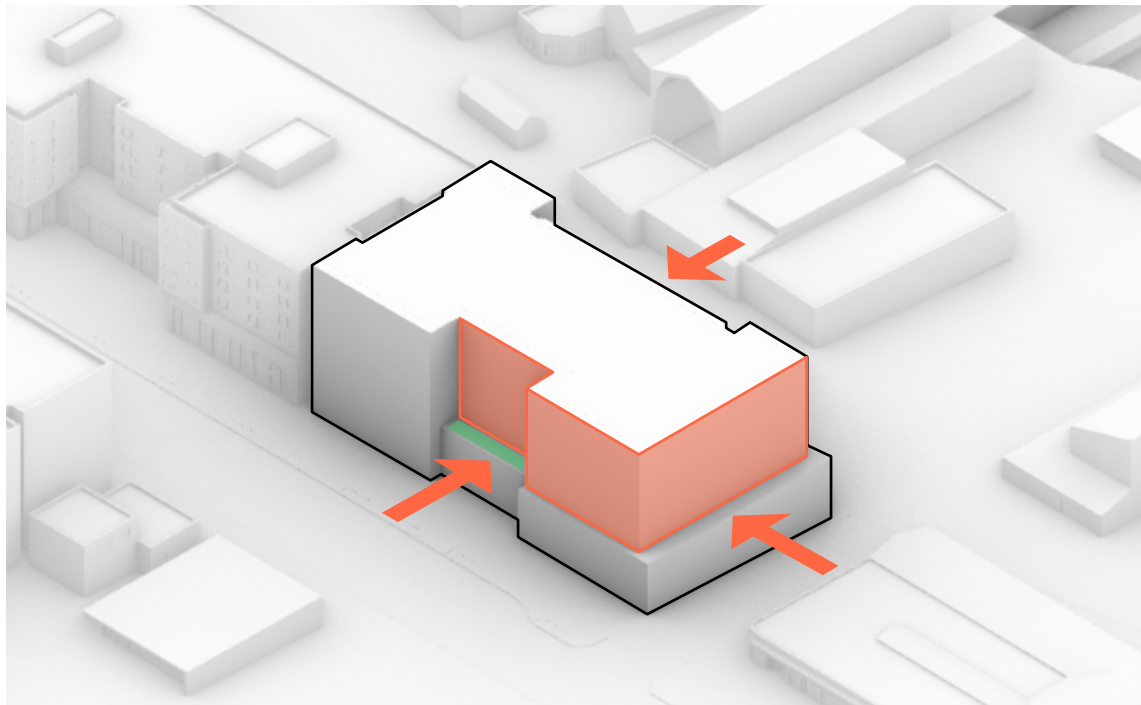
01 / COURTYARDS

Recessed building mass along the north and south facade to creates courtyards and allows daylight and ventilation to the existing eastern neighbor.



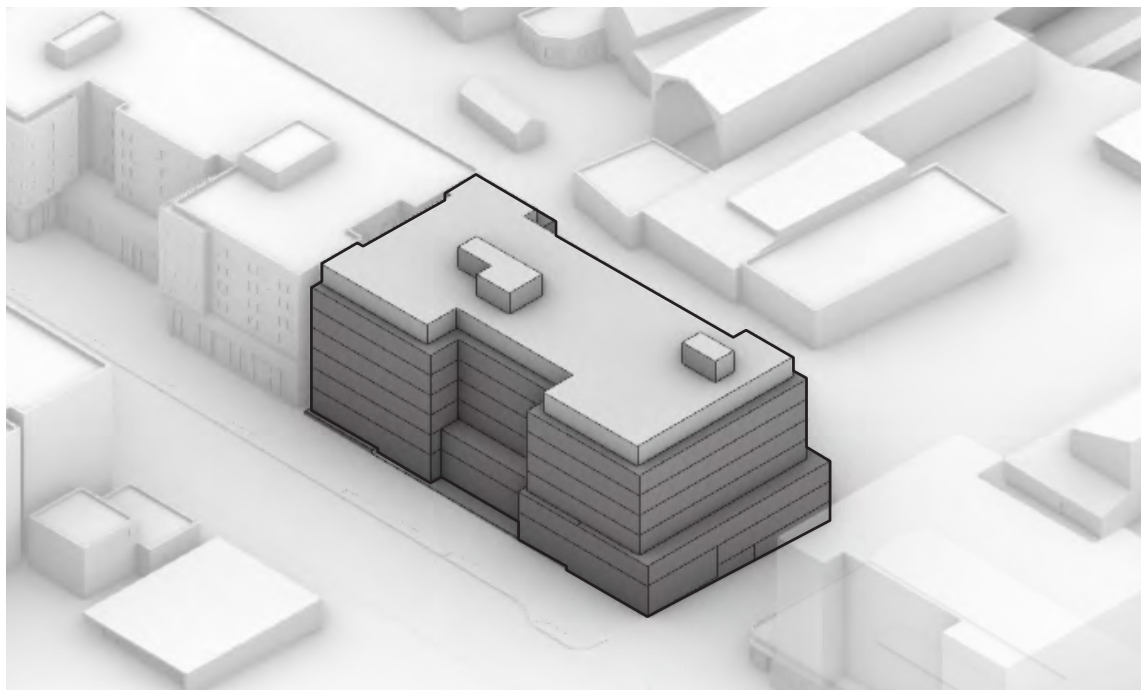
03 / PENTHOUSE

Upper level setbacks at the top level of the massing create a terracing effect and acknowledge the datum of the shorter eastern neighbor.



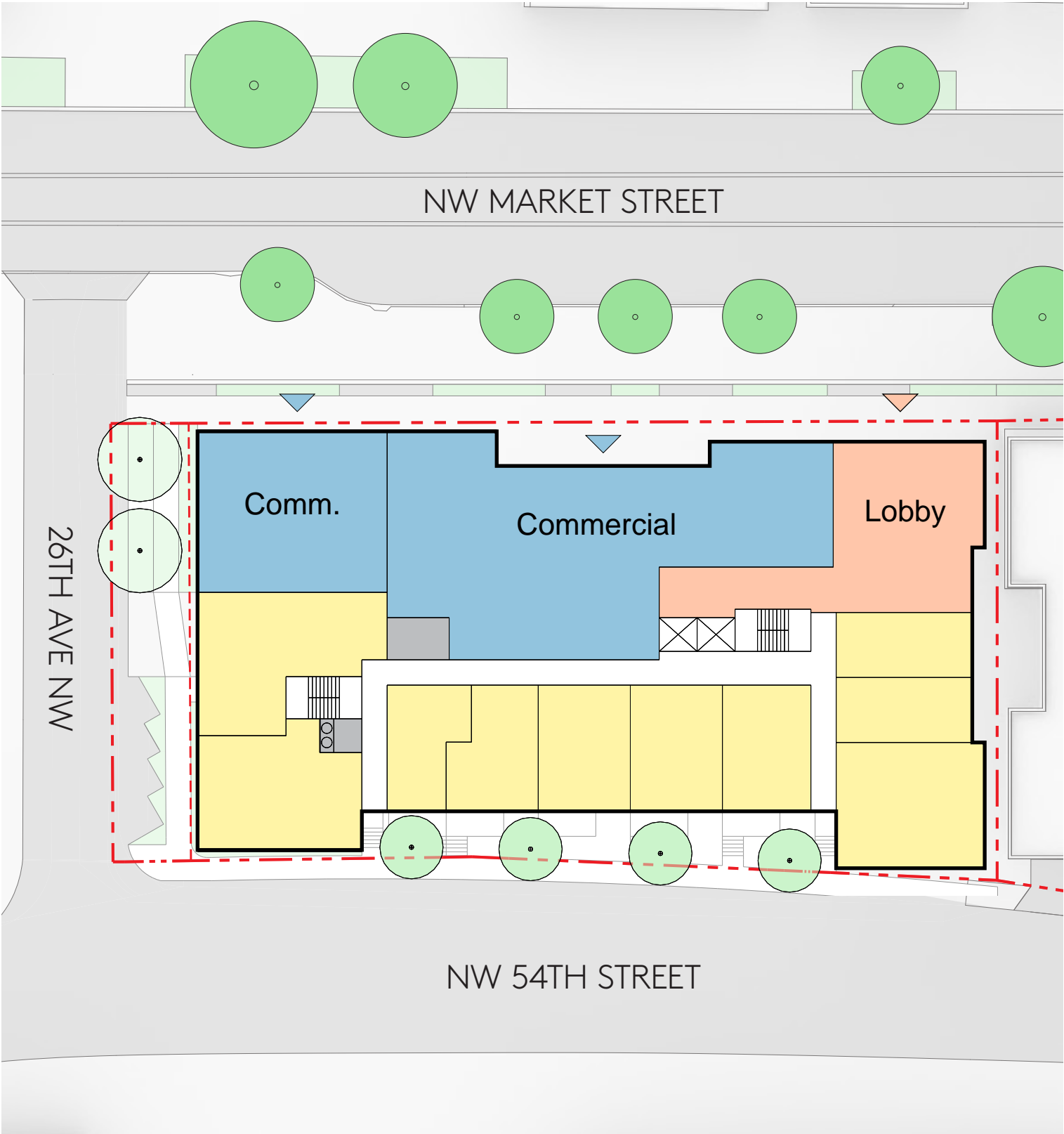
02 / SETBACKS

Further setbacks along all street facing facades above the ground floor reduce the scale of the building for pedestrians.



04 / COMPLETED MASSING

COURTYARD / SCHEME 01 SITE PLAN



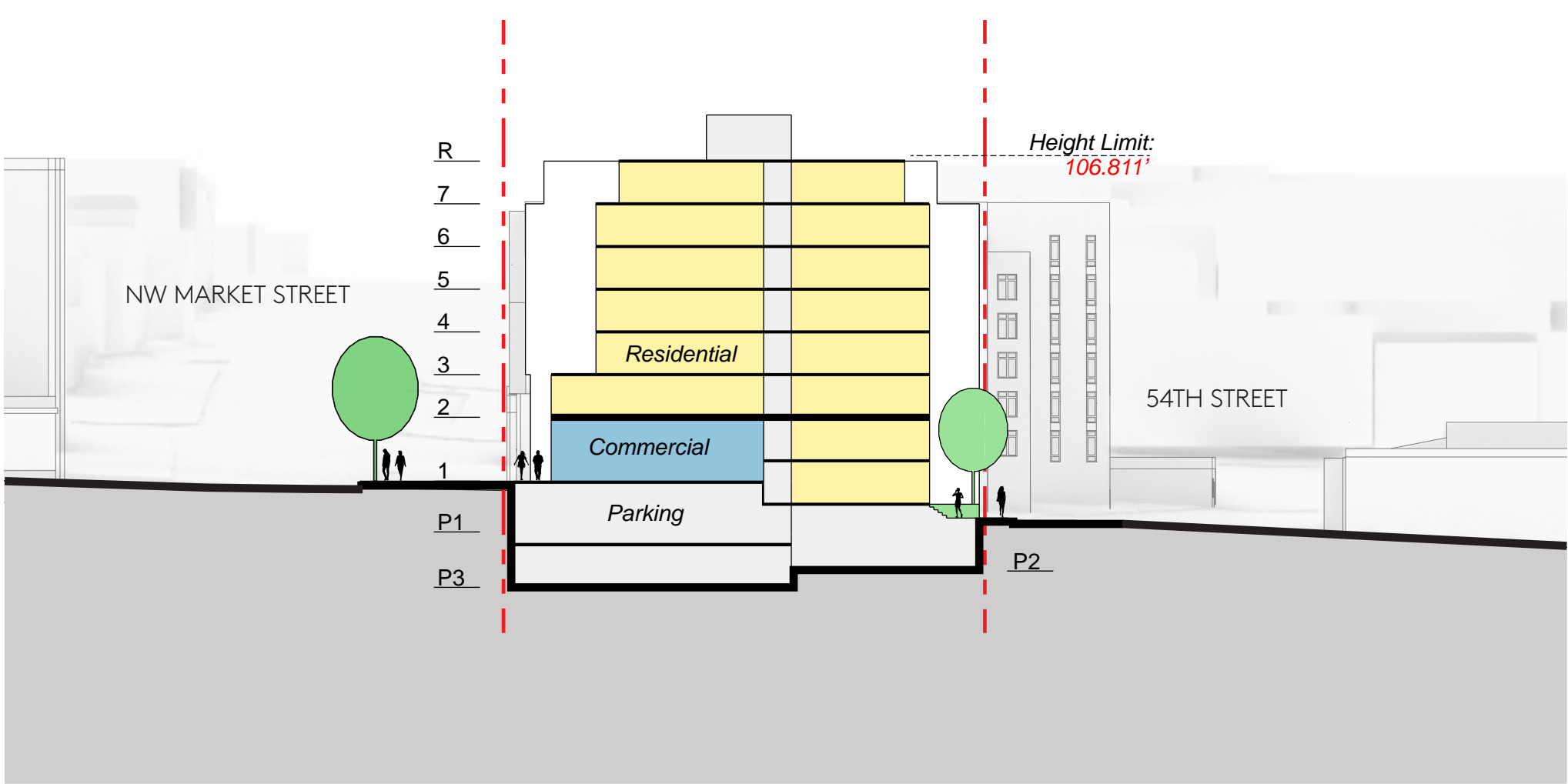
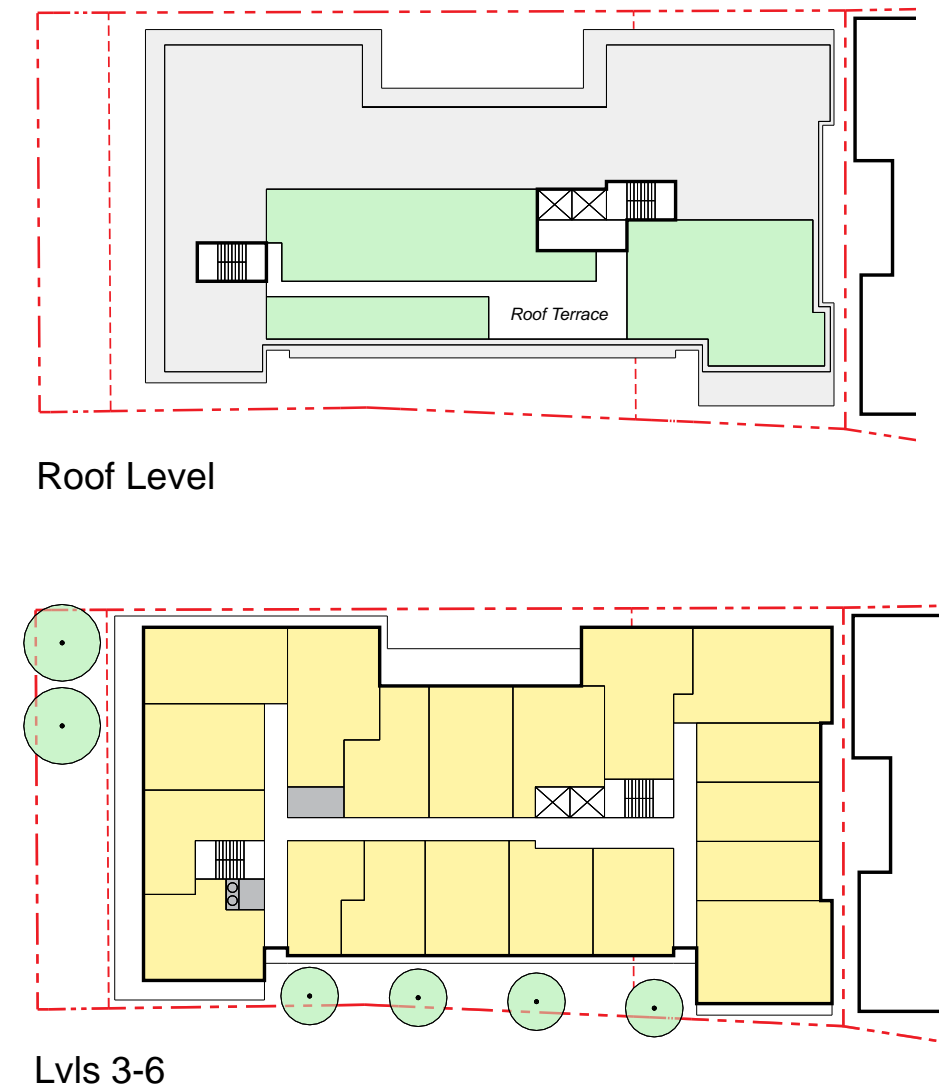
MARKET STREET GROUND FLOOR PLAN



54TH STREET GROUND FLOOR PLAN



COURTYARD / SCHEME 01 PLANS AND SECTION



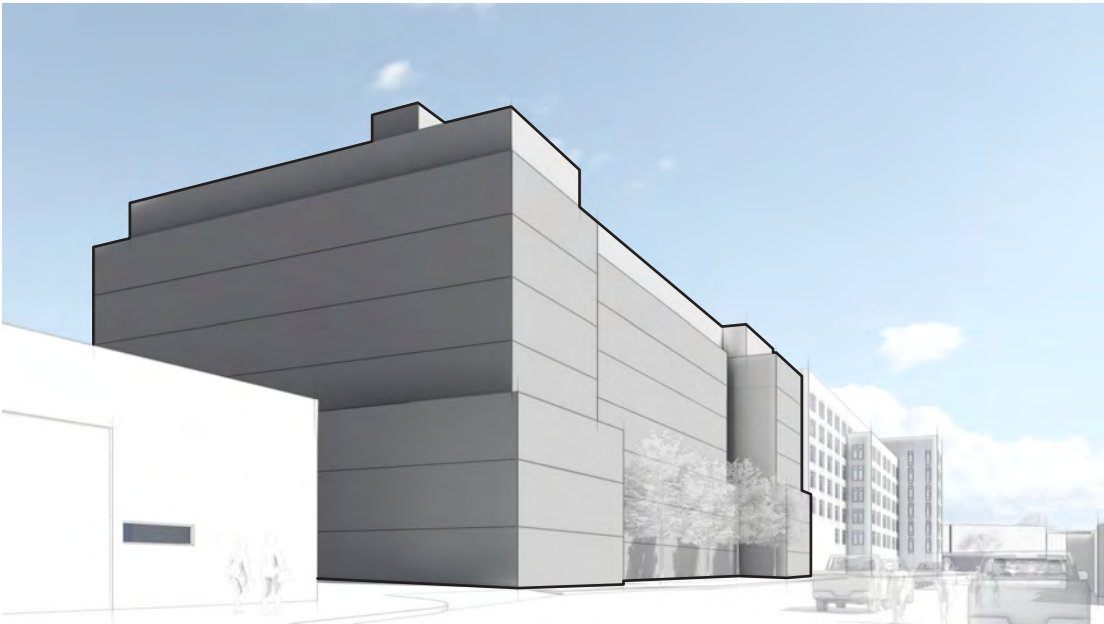
COURTYARD / SCHEME 01 *PERSPECTIVES*



1. LOOKING EAST ON MARKET ST.



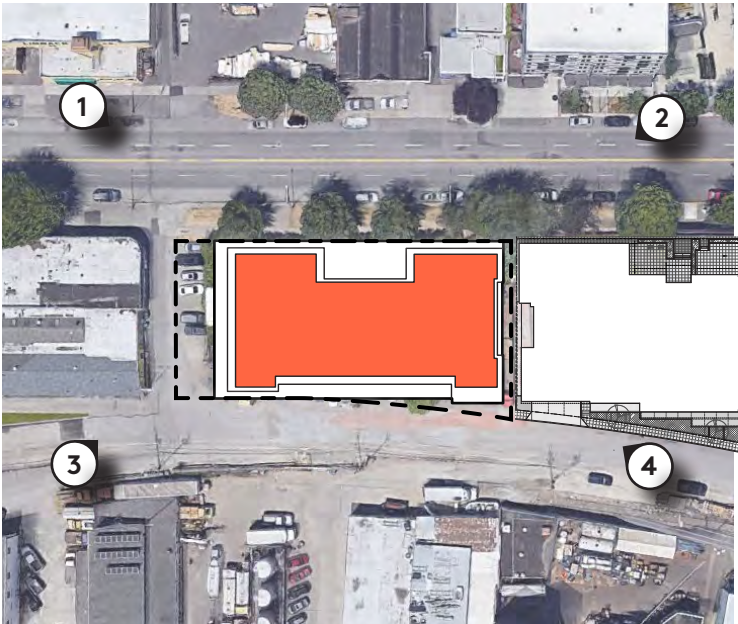
2. LOOKING WEST ON MARKET ST.



3. LOOKING EAST ON 54TH ST.



4. LOOKING WEST ON 54TH ST.

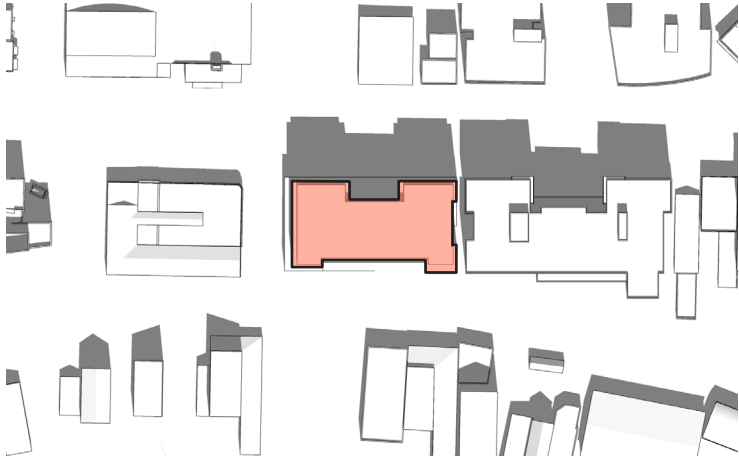


COURTYARD / SCHEME 01 SOLAR STUDY

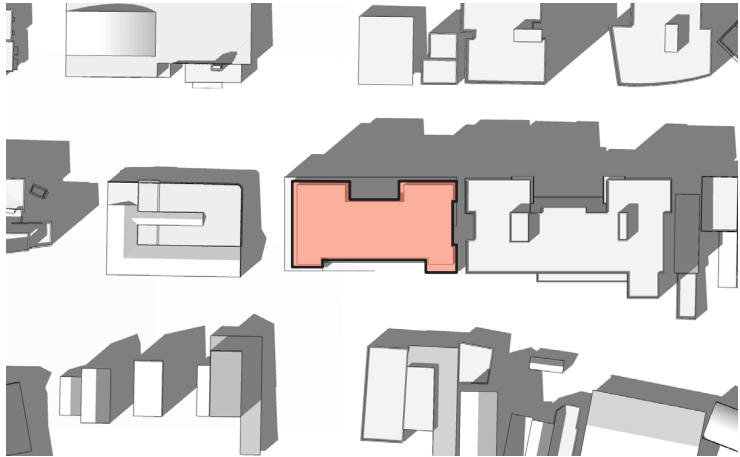
MARCH 21ST:



9 AM



NOON

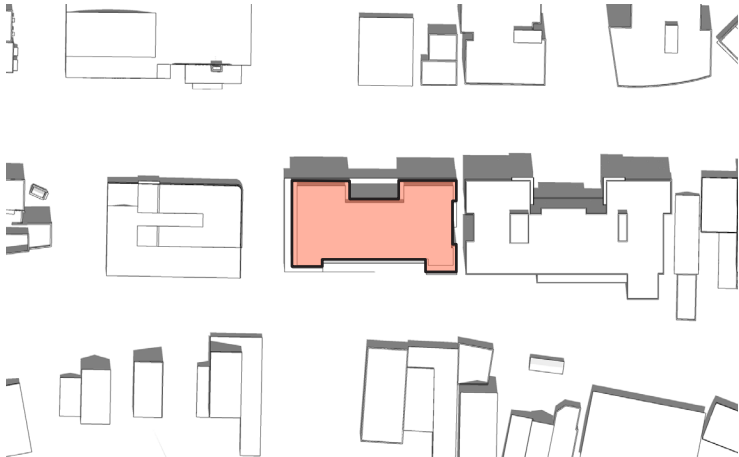


3 PM

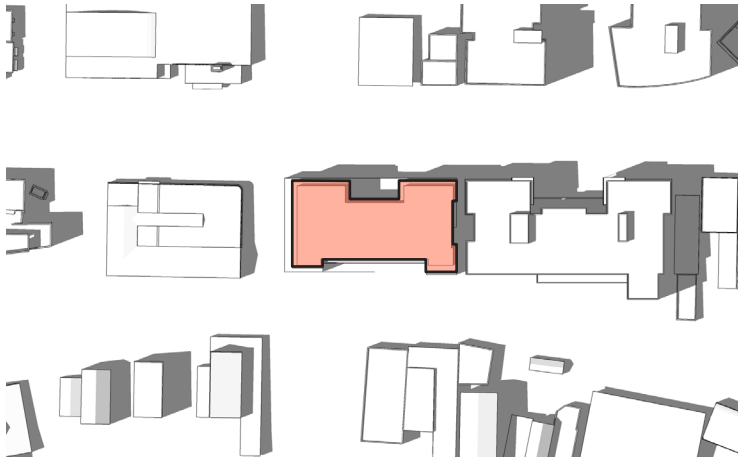
JUNE 21ST:



9 AM



NOON



3 PM

DECEMBER 21ST:



9 AM

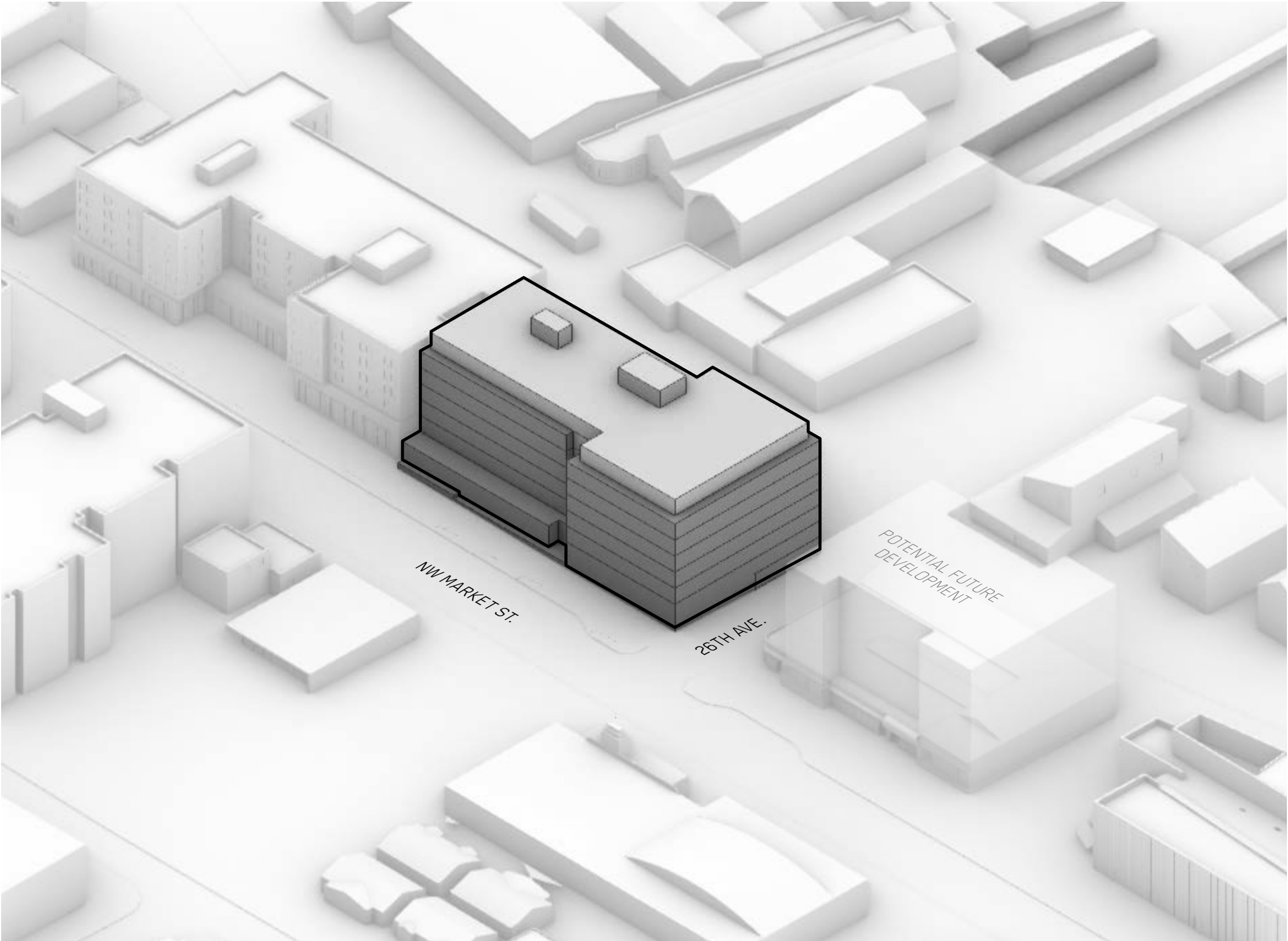


NOON



3 PM

EDDY / SCHEME 02 SUMMARY



VIEW FROM NORTHWEST

EDDY / SCHEME 02

The massing employs a consistent language along Market St. and 26th Ave. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into amenity space and ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.48 / 119,600 GFA
Unit Count:	115
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Building organization allows outdoor amenity space above NW 54th Street facing the waterfront to the south.
- Reduced facade length along NW Market Street.
- Unified massing composition.
- Reduced facade length along shared interior lot line directs views out to the north and south rather than directly to the east.

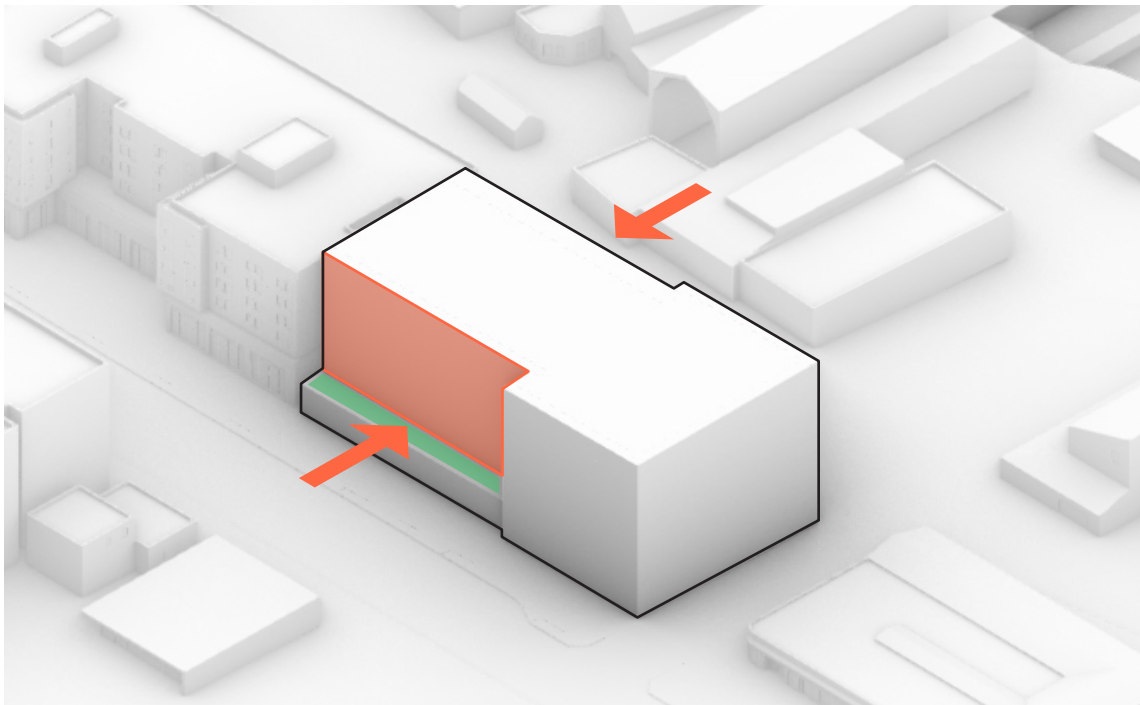
CONS

- Few opportunities for large outdoor amenity spaces below the roof level.

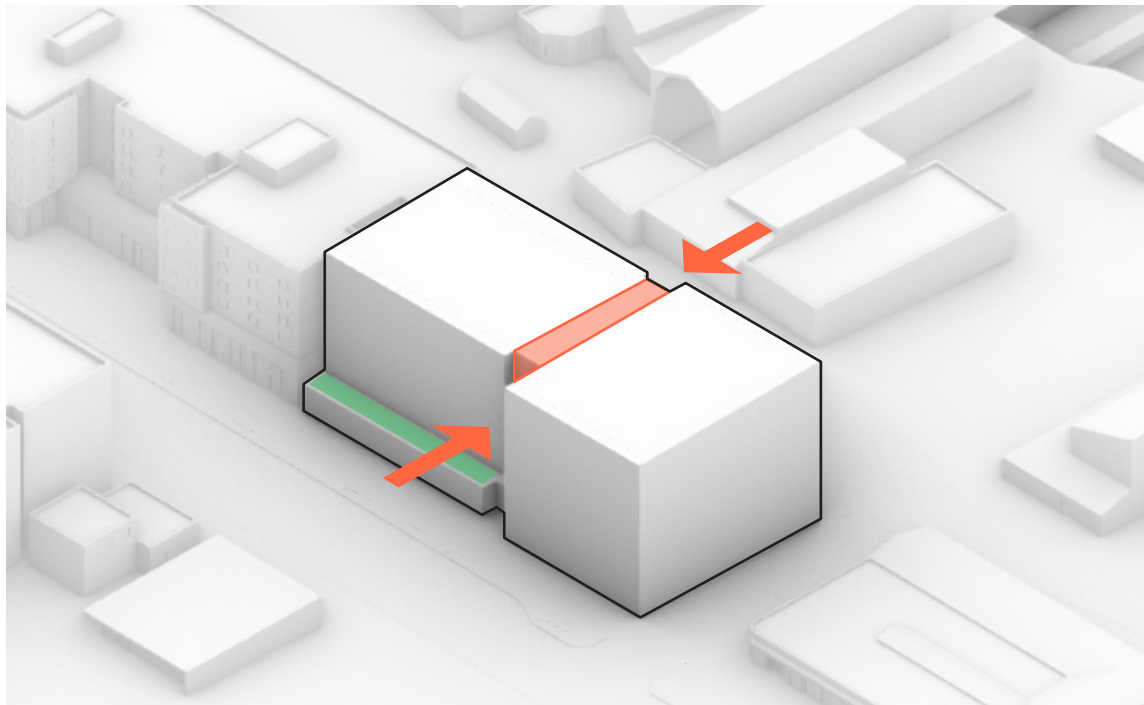
DEPARTURES

- Upper Level Setback Departure - A departure from the upper level setbacks at 45' and above along 26th Ave NW and NW 54th St.

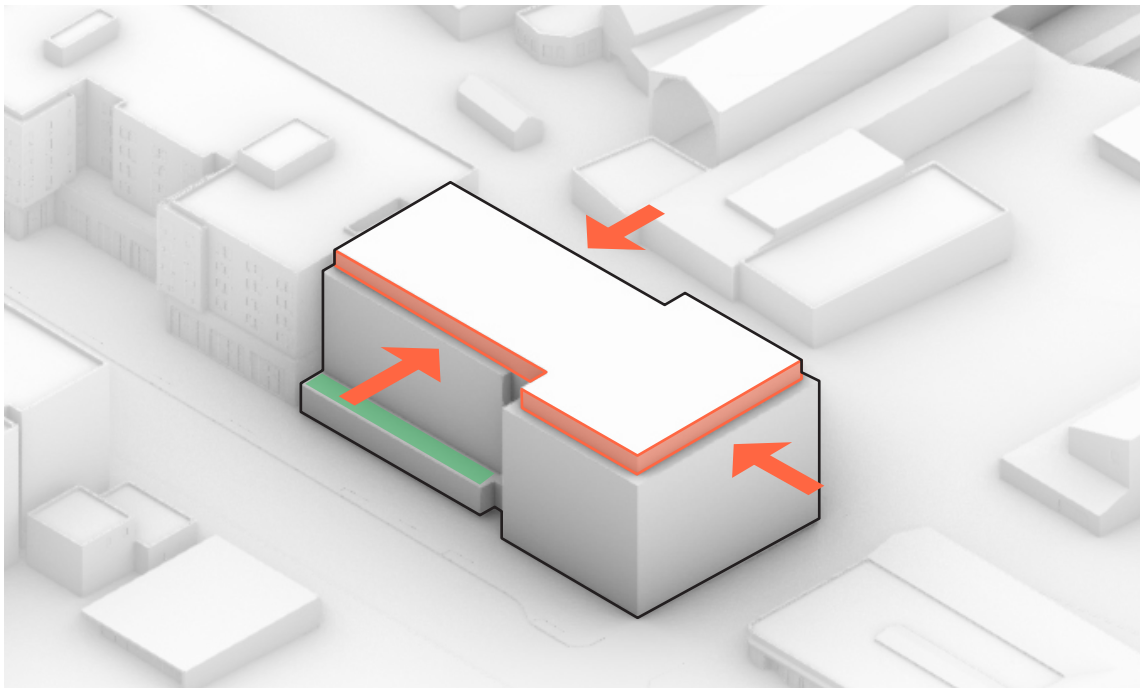
EDDY / SCHEME 02 CONCEPT DIAGRAM



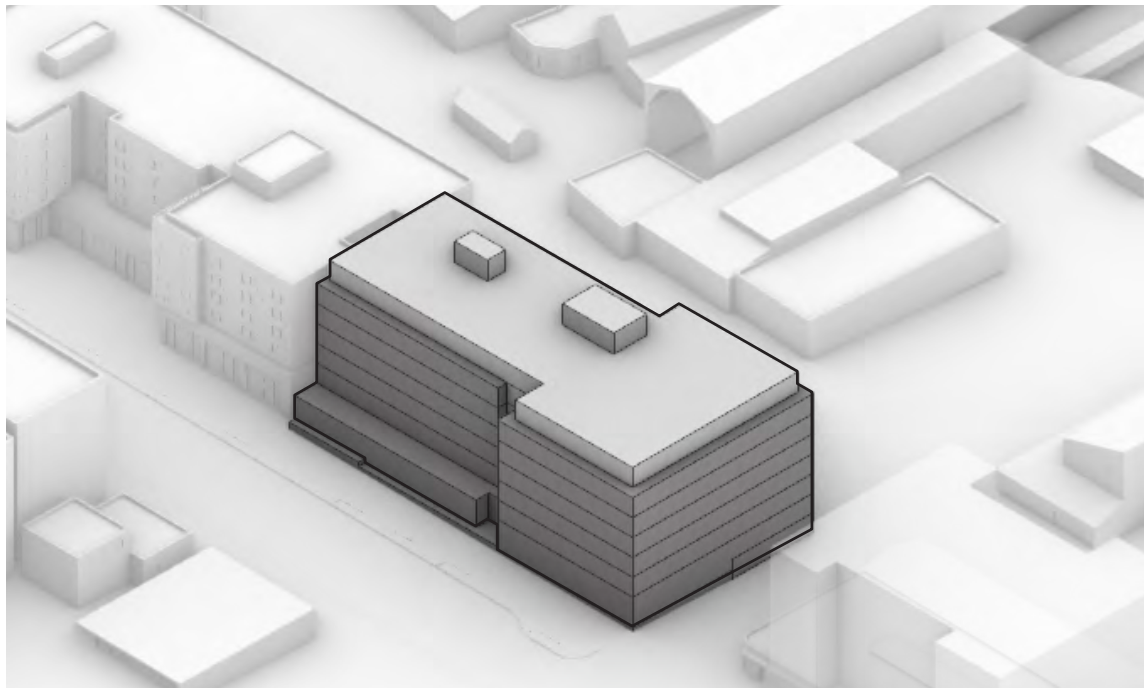
01 / COURTYARDS
Recessed massing along the north and south reduces the length of the continuous facade along Market St. and 54th St.



02 / SETBACKS
An additional setback occurs between the two primary massings to reduce the scale and bulk of the building.



03 / PENTHOUSE
Upper level setbacks at the top level of the massing create a terracing effect and acknowledge the datum of the shorter eastern neighbor.

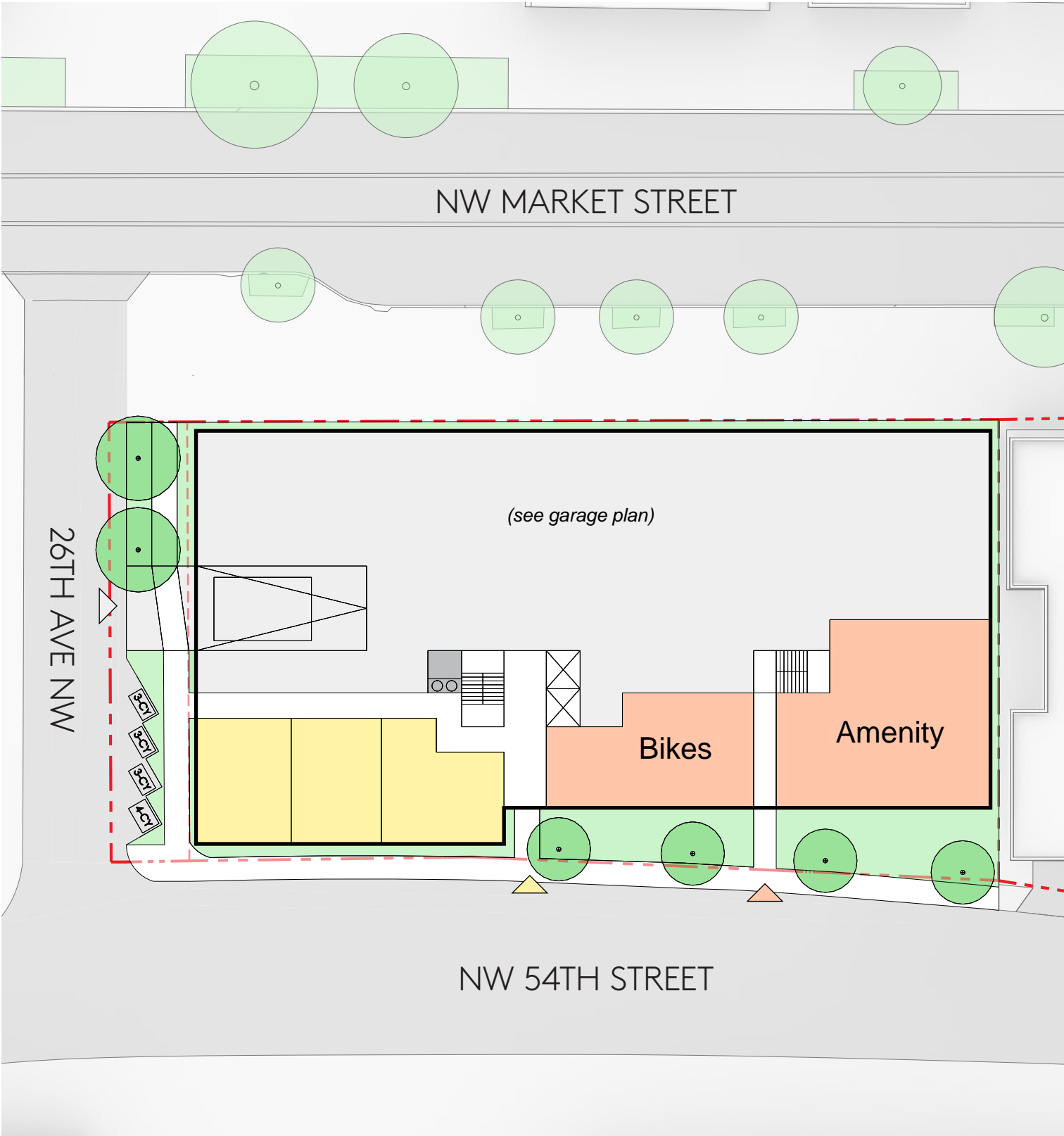


04 / COMPLETED MASSING

EDDY / SCHEME 02 SITE PLAN



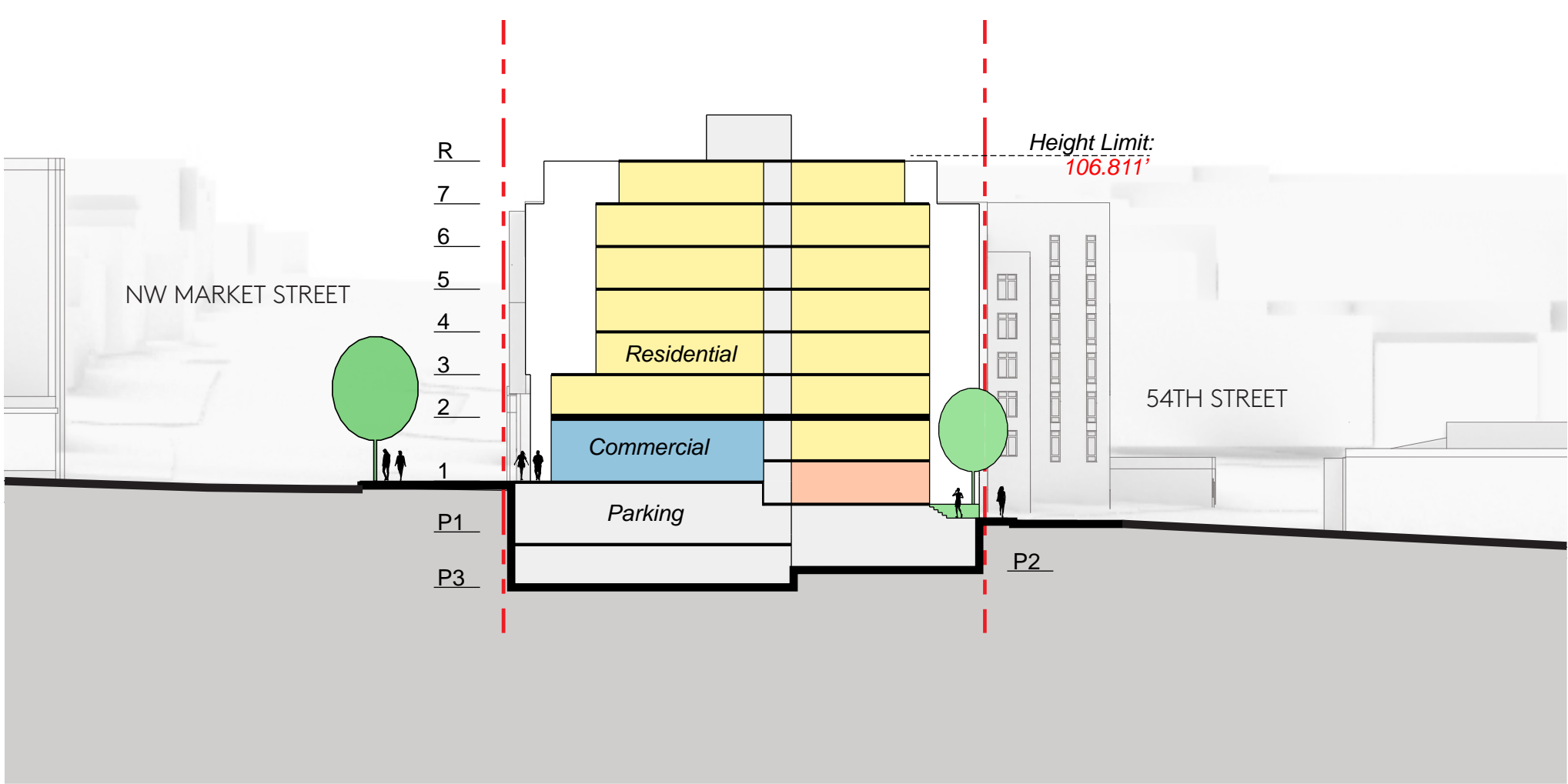
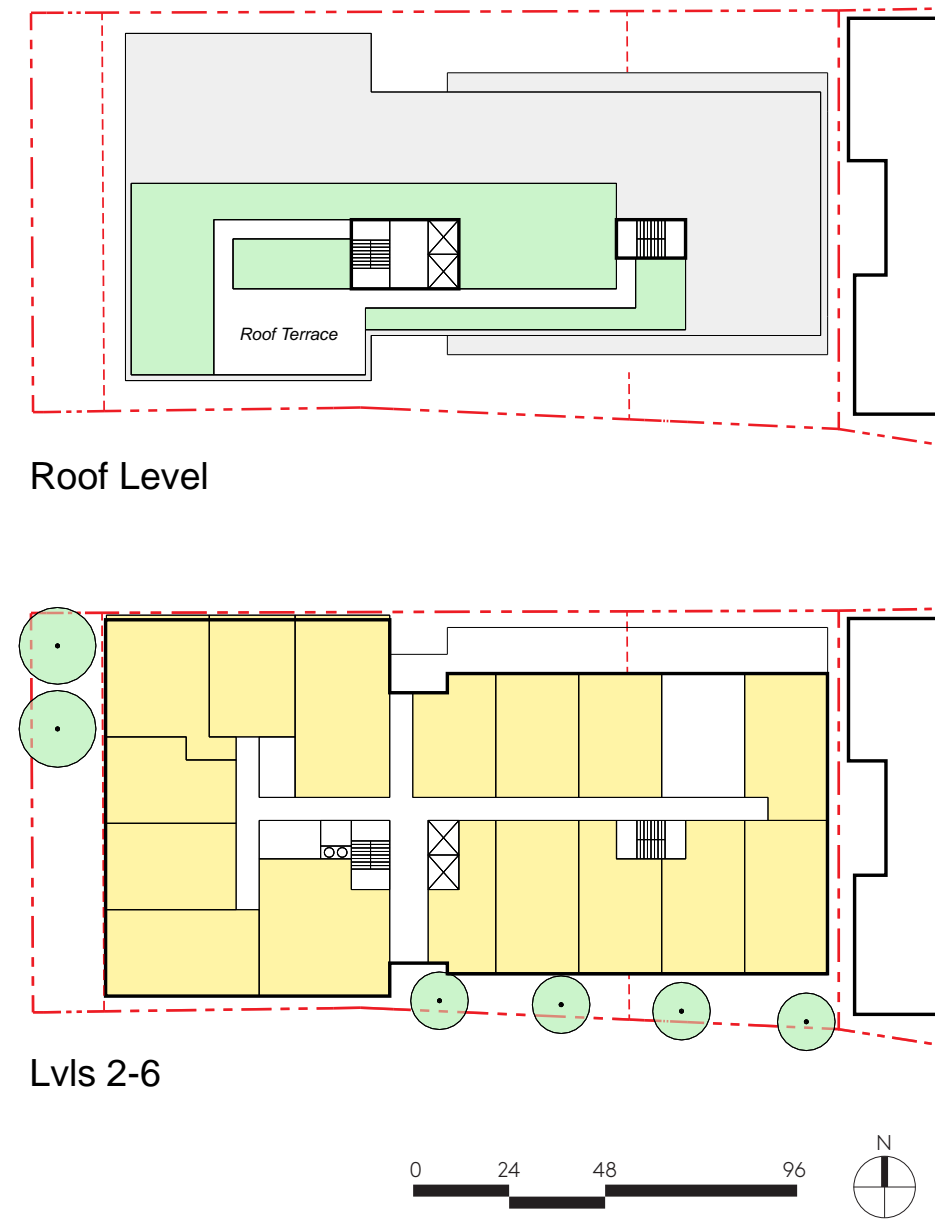
MARKET STREET GROUND FLOOR PLAN



54TH STREET GROUND FLOOR PLAN



EDDY / SCHEME 02 PLANS AND SECTION



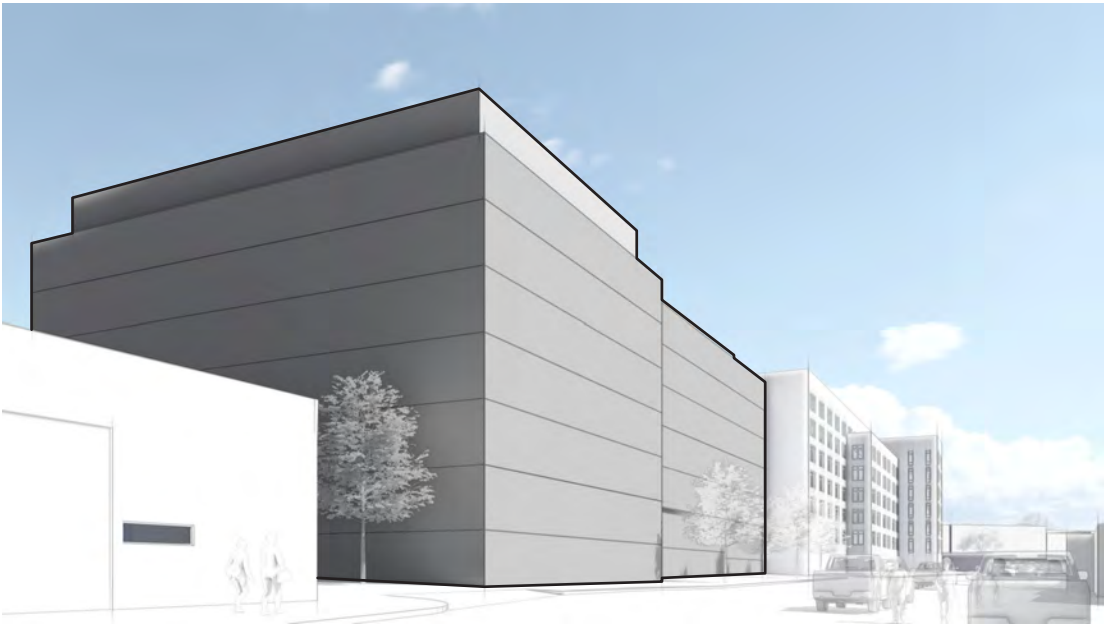
EDDY / SCHEME 02 *PERSPECTIVES*



1. LOOKING EAST ON MARKET ST.



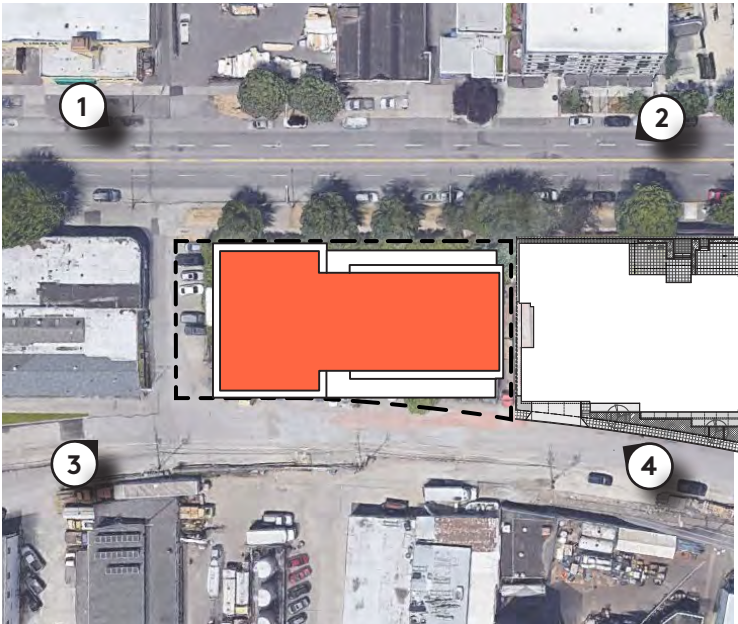
2. LOOKING WEST ON MARKET ST.



3. LOOKING EAST ON 54TH ST.



4. LOOKING WEST ON 54TH ST.



EDDY / SCHEME 02 DEPARTURE REQUEST SUMMARY

DEPARTURE REQUEST

23.47A.009.F.4.B UPPER-LEVEL SETBACKS
(BALLARD HUB URBAN VILLAGE)*

- 1) A setback with an average depth of 10 feet from all abutting street lot lines is required for portions of a structure above a height of 45 feet. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.
- 2) A setback with an average depth of 15 feet from all street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used for calculating the average setback is 25 feet.

**These setbacks apply to all three streets bounding this site, NW Market St, 26th Ave NW & NW 54th St.*

PROPOSITION

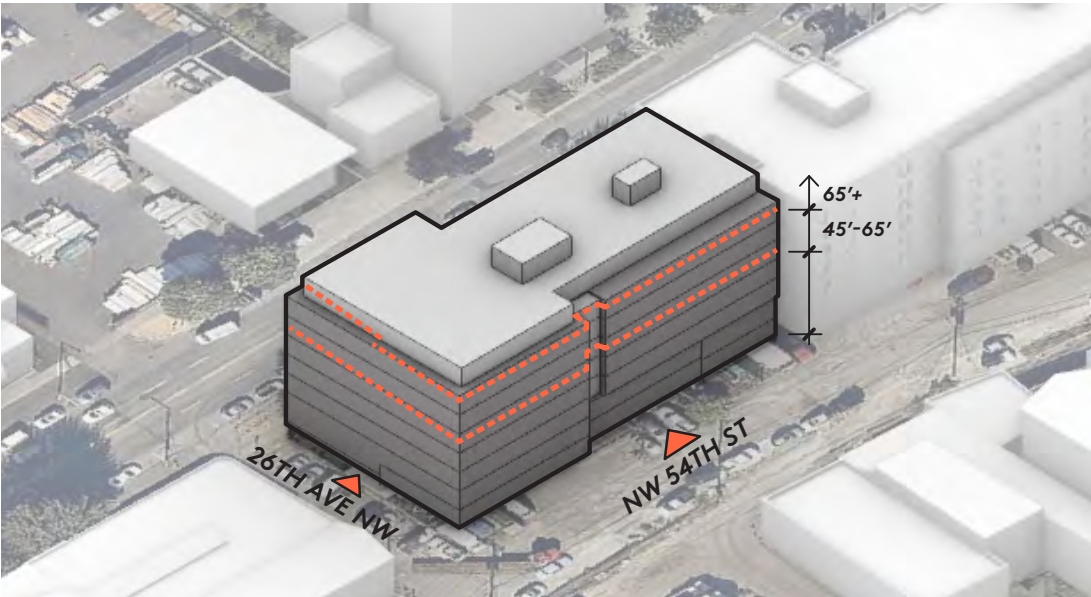
The following average setbacks are proposed along 26th Ave NW and NW 54th St above 45 feet:

26th Ave NW - Departure Request:

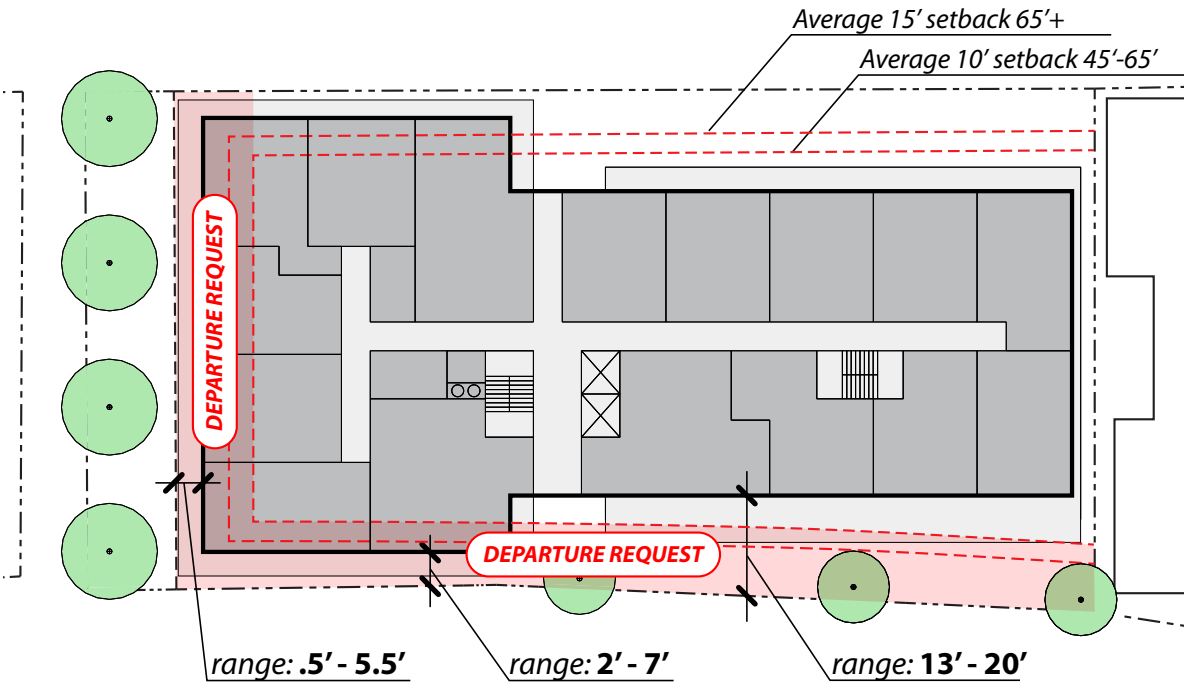
- To provide an average of **7'** setback above 65'
- To provide an average of **2'** setback 45'-65'

NW 54th St - Departure Request:

- To provide an average of **13'** setback above 65'
- To provide an average of **8'** setback 45'-65'



VIEW FROM SOUTHWEST



RATIONALE

CS2 - URBAN PATTERN AND FORM

This request enables the project to better respond to the changing urban character of the district, transitioning from urban to industrial use. The Offset scheme strives to reinforce the character and role of Ballard's Character Core and Industrial character areas. It breaks down the length of the site into smaller segments that approximate the 50' block frontage that was prevalent before 1930.

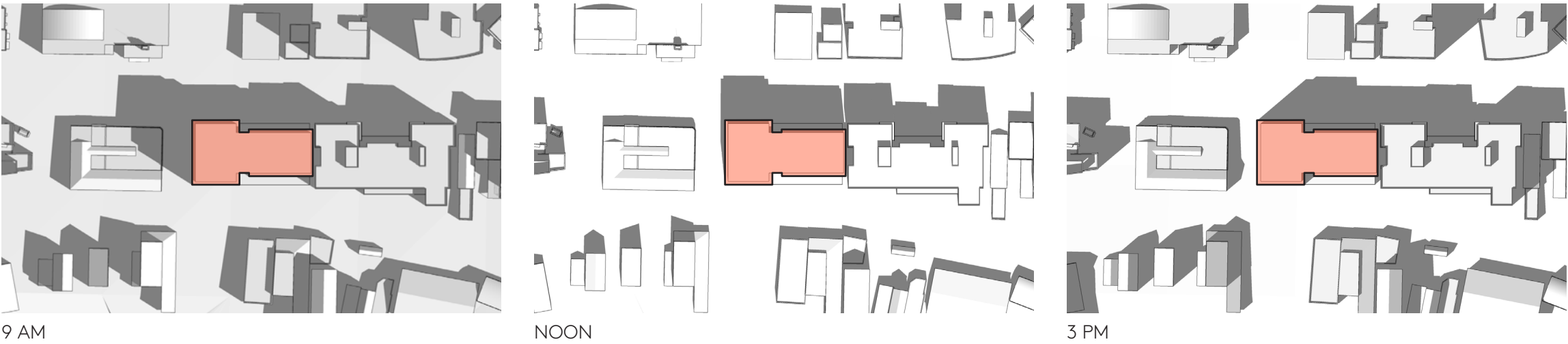
CS3 - ARCHITECTURAL CONTEXT AND CHARACTER

The departure allows the building volume to shift south, reducing the perceived mass of the building both from Market Street and from neighboring buildings.

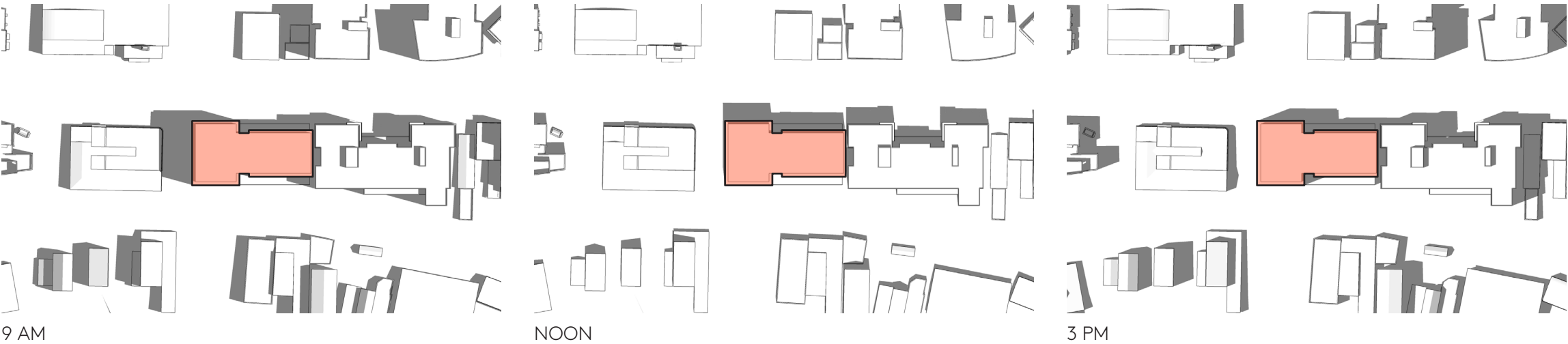
This departure enables a unified facade design that integrates the upper levels into the overall building composition. The massing responds to the surrounding architectural character of the project site, the maritime-industrial uses south of the site, the traditional character along Ballard Ave east of the site, and the expansion of the urban center along Market St. The scheme reflects the utility of industrial buildings, while employing modern urban design principles.

EDDY / SCHEME 02 SOLAR STUDY

MARCH 21ST:



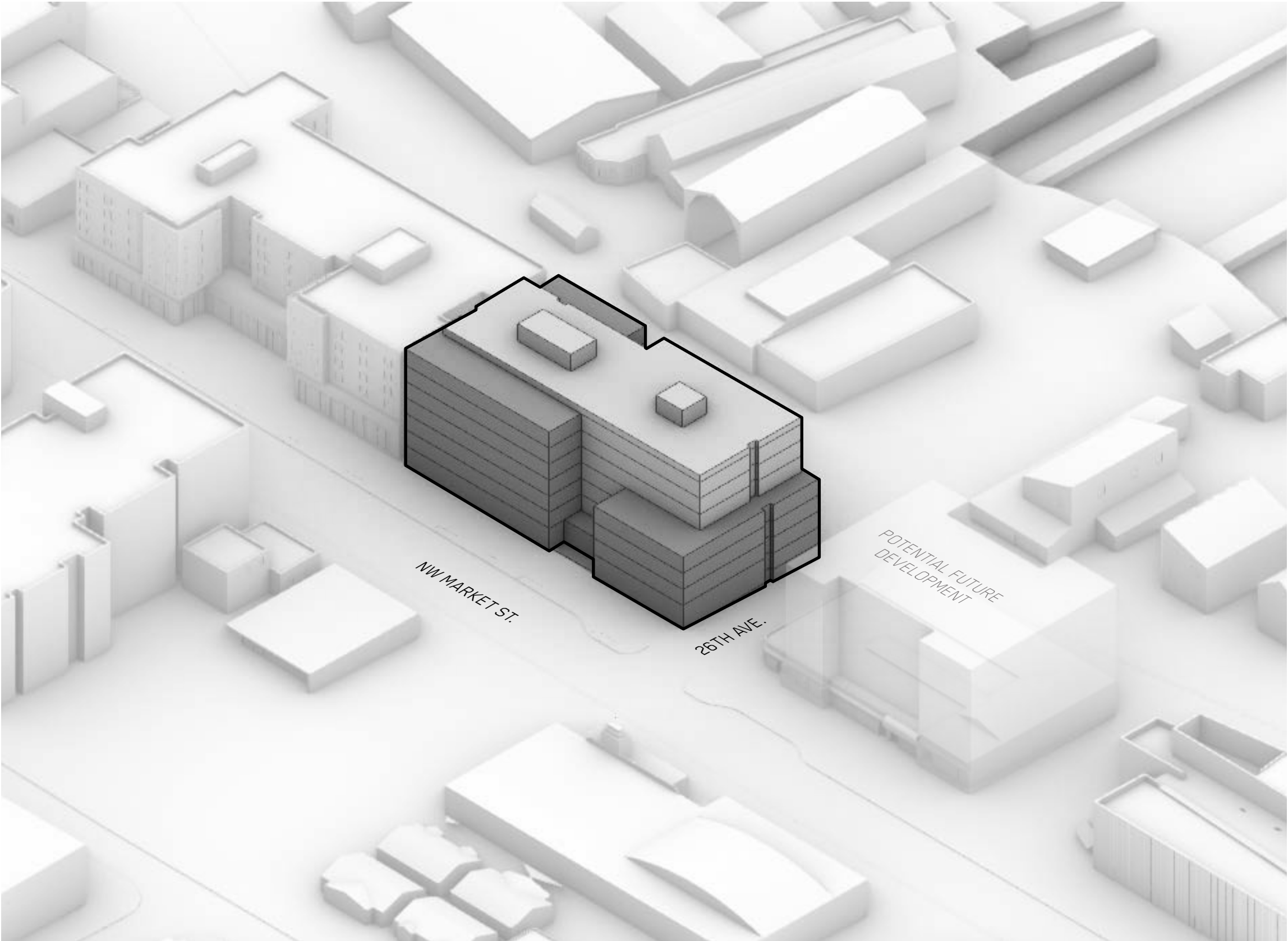
JUNE 21ST:



DECEMBER 21ST:



TERRACED / SCHEME 03 SUMMARY



VIEW FROM NORTHWEST

TERRACED / SCHEME 03

The massing is setback from the street at the upper stories. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into 5 ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.5 / 120,000 GFA
Unit Count:	120
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Rich character and multiple opportunities for large outdoor amenity spaces.
- The varying size of building volumes relates to the smaller scale of existing industrial neighbors.
- Reduced building height, scale and bulk when viewed from NW Market Street and NW 54th Street.
- Setback upper level massing provides increased daylight penetration to the street.

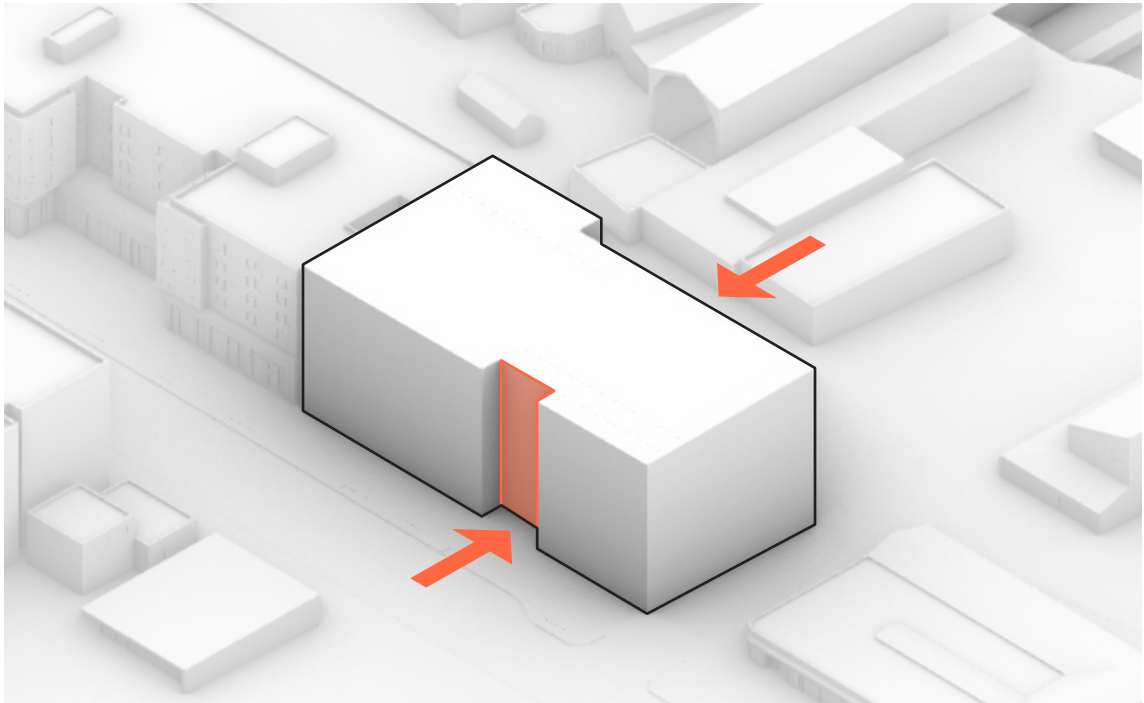
CONS

- Reduction in the scale of the building at the NW corner when viewed east along NW Market Street.

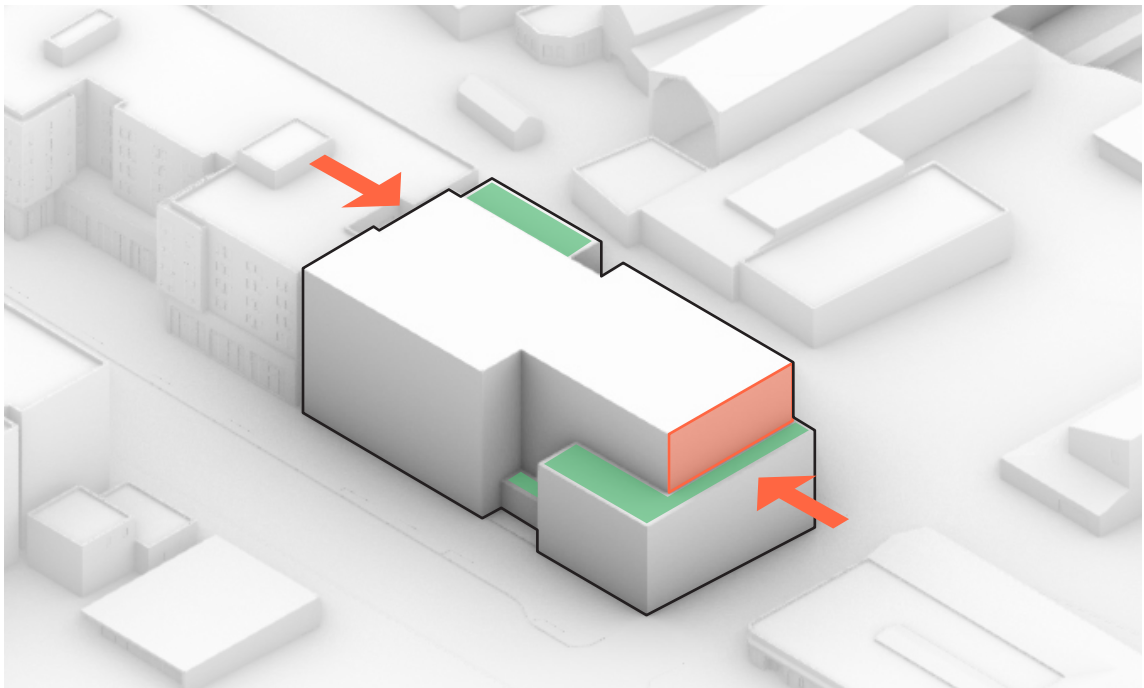
DEPARTURES

- Upper Level Setback Departure - A departure from the upper level setback at 65' and above along Market St.

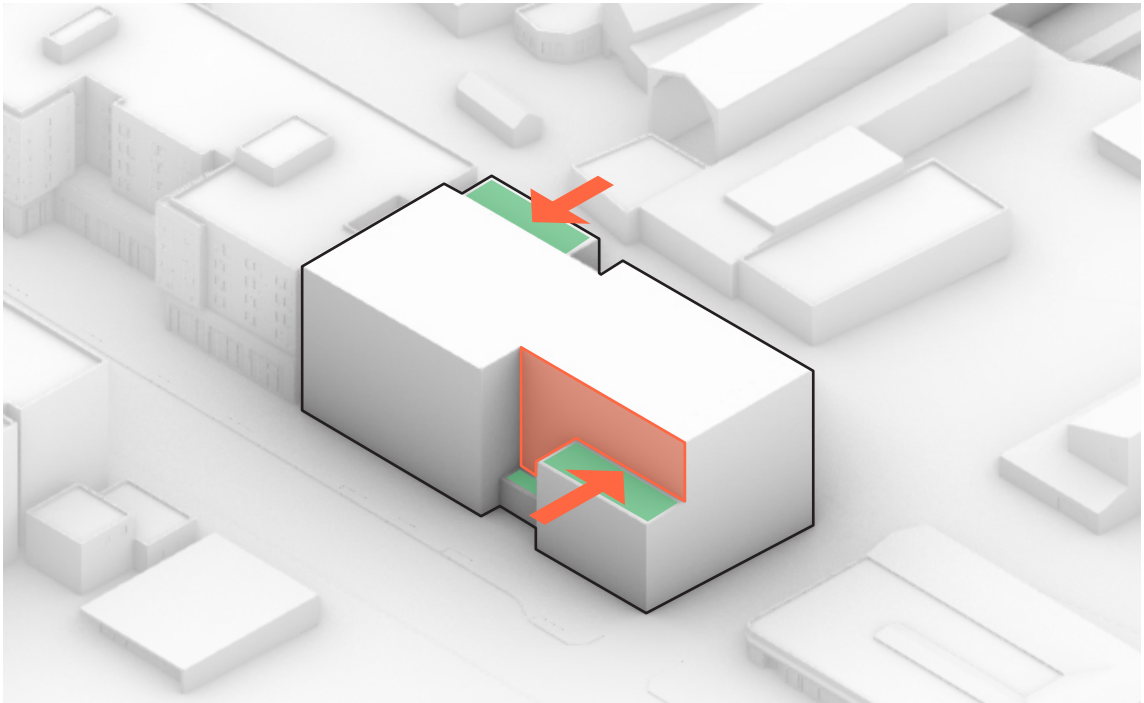
TERRACED / SCHEME 03 *CONCEPT DIAGRAM*



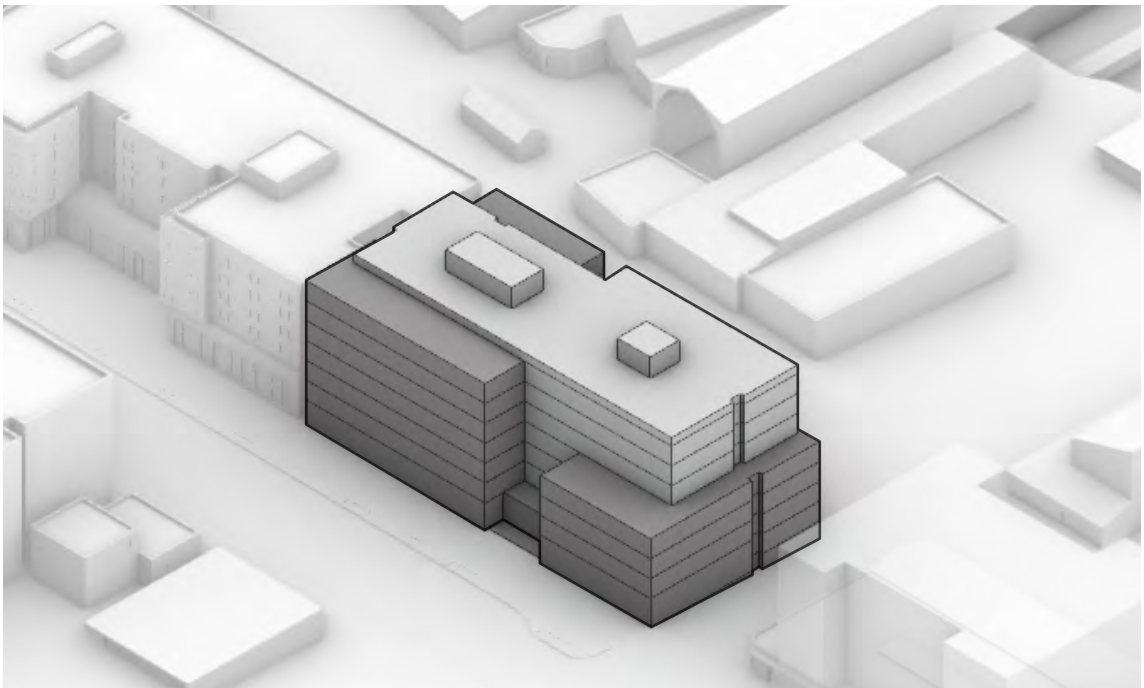
01 / FACADE LENGTH REDUCTION
Inset facade areas break up the volume along the north and south facades to reduce the scale of the building.



03 / PENTHOUSE
The massing set back along the east and west facades further reduce the size of the building volumes and better relate the massing to the neighborhood scale.

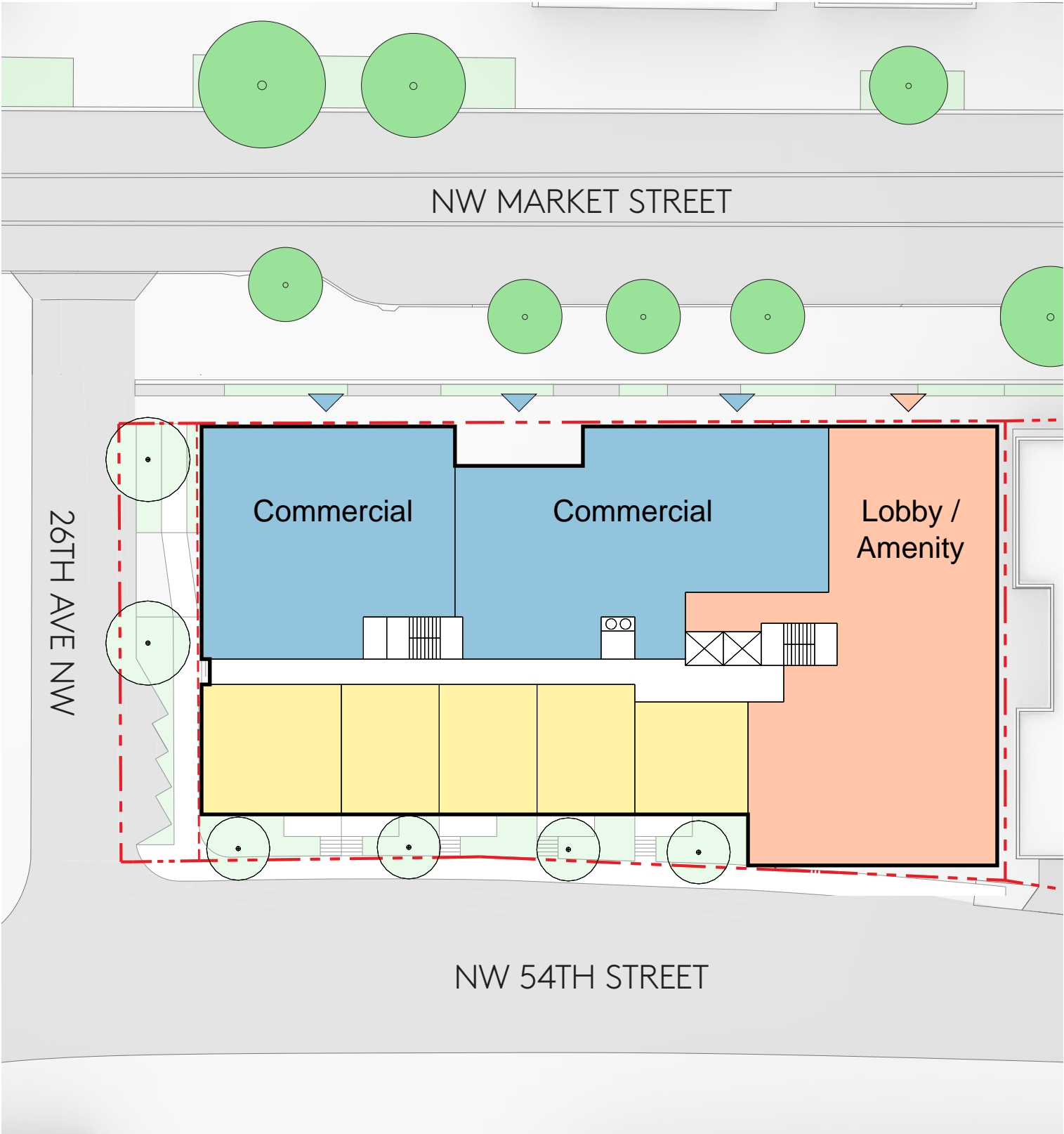


02 / SECONDARY MASSING
An upper level setback is applied along Market St. and 54th St. to provide increased daylight penetration to the street.

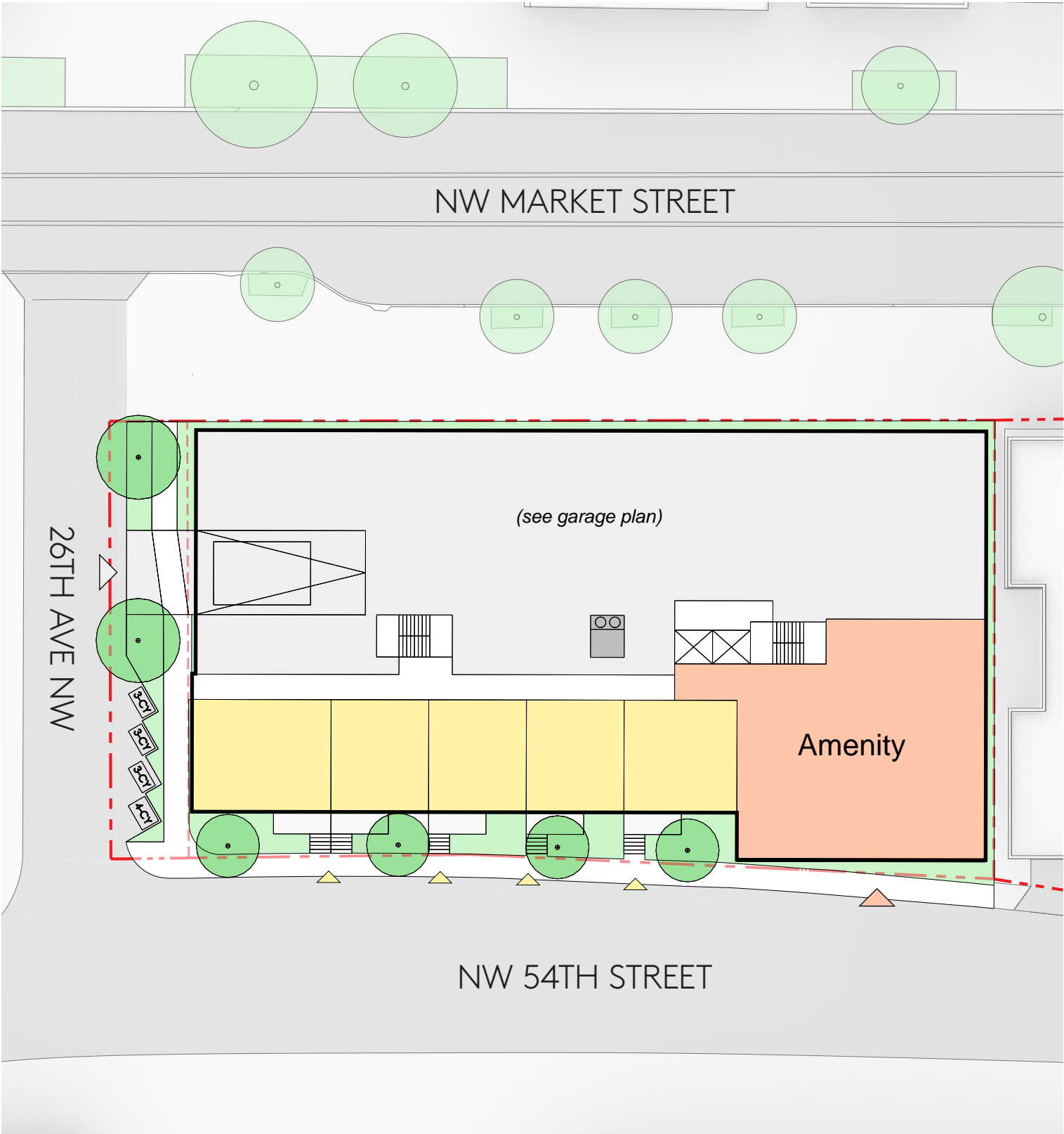


04 / COMPLETED MASSING

TERRACED / SCHEME 03 SITE PLAN



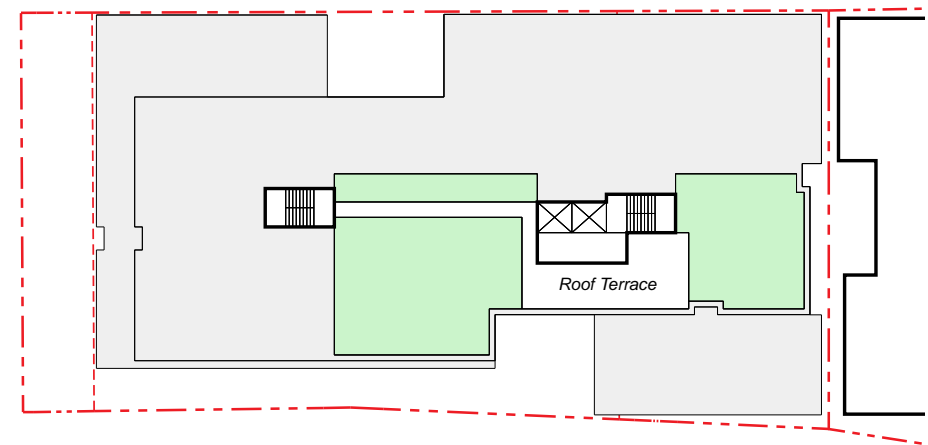
MARKET STREET GROUND FLOOR PLAN



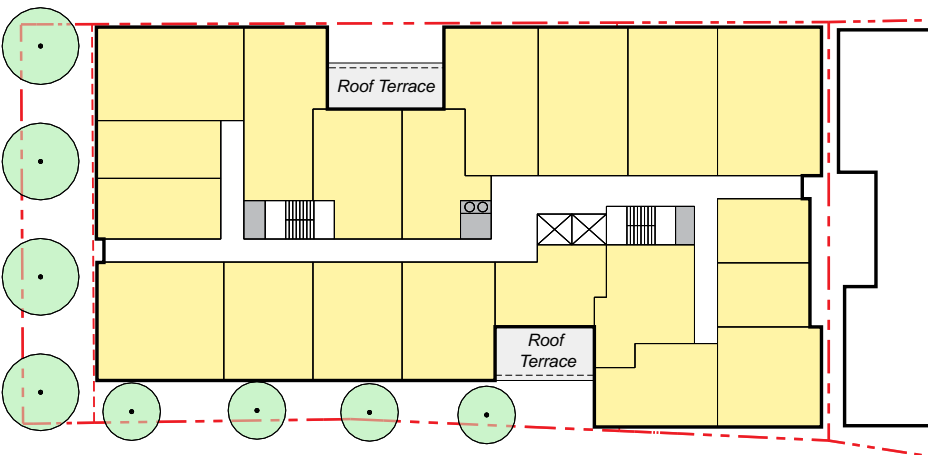
54TH STREET GROUND FLOOR PLAN



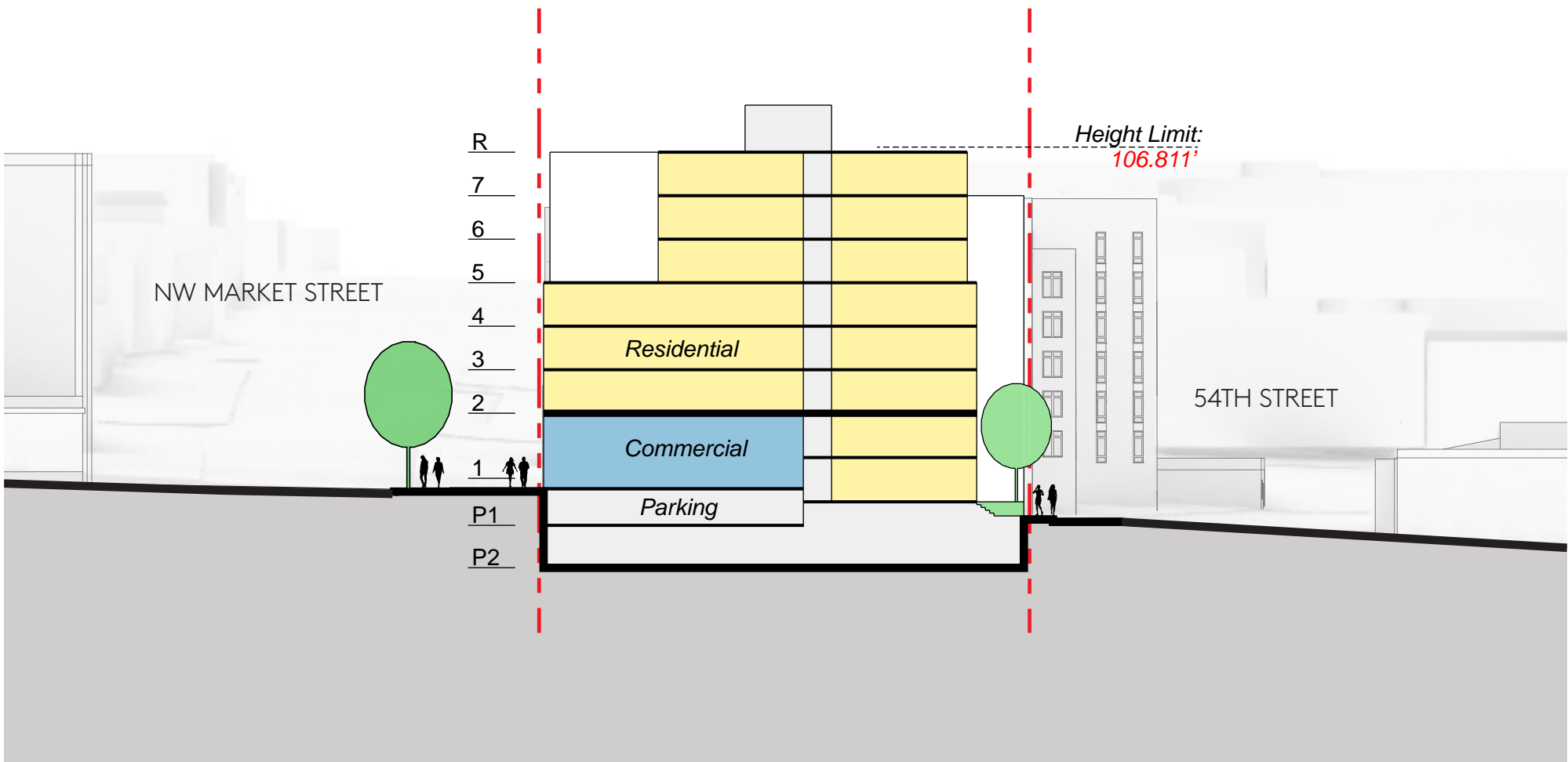
TERRACED / SCHEME 03 PLANS AND SECTION



Roof Level



Lvls 2-4



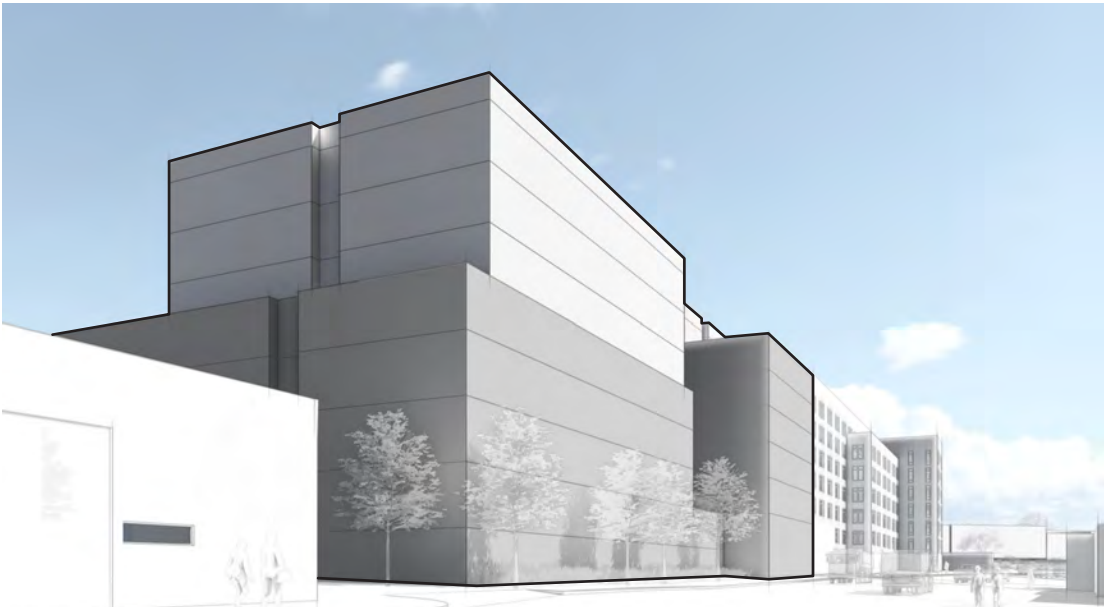
TERRACED / SCHEME 03 *PERSPECTIVES*



1. LOOKING EAST ON MARKET ST.



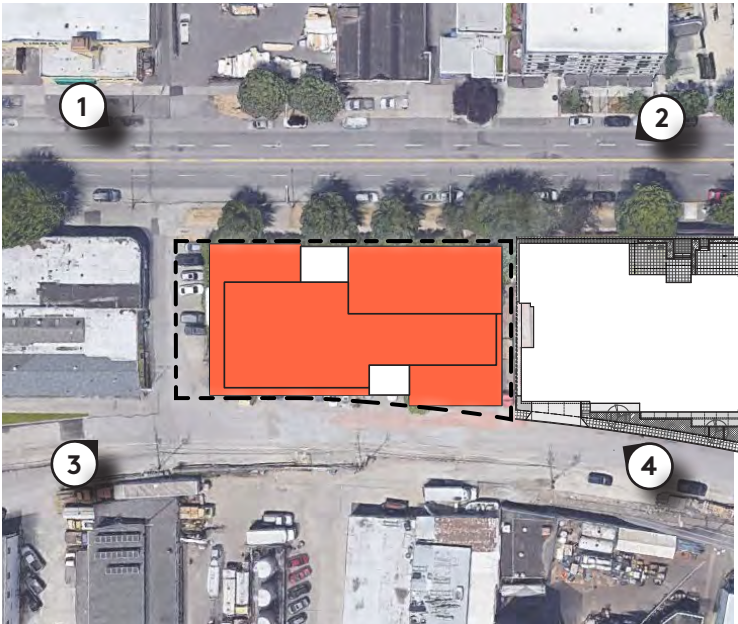
2. LOOKING WEST ON MARKET ST.



3. LOOKING EAST ON 54TH ST.



4. LOOKING WEST ON 54TH ST.



TERRACED / SCHEME 03 DEPARTURE REQUEST SUMMARY

DEPARTURE REQUEST

23.47A.009.F.4.B UPPER-LEVEL SETBACKS
(BALLARD HUB URBAN VILLAGE)*

- 1) A setback with an average depth of 10 feet from all abutting street lot lines is required for portions of a structure above a height of 45 feet. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.
- 2) A setback with an average depth of 15 feet from all street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used for calculating the average setback is 25 feet.

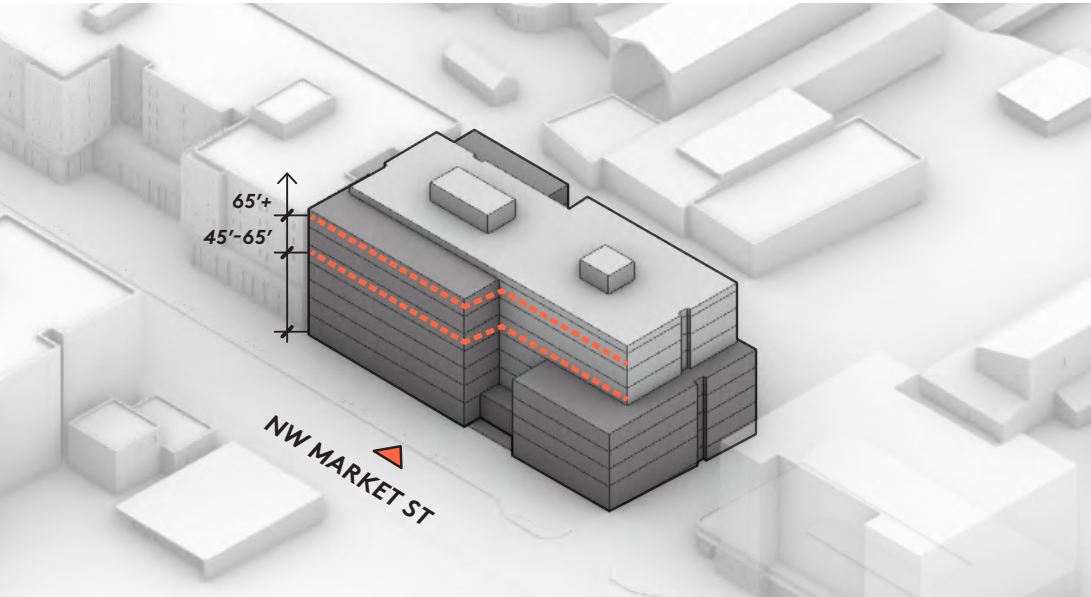
**These setbacks apply to all three streets bounding this site, NW Market St, 26th Ave NW & NW 54th St.*

PROPOSITION

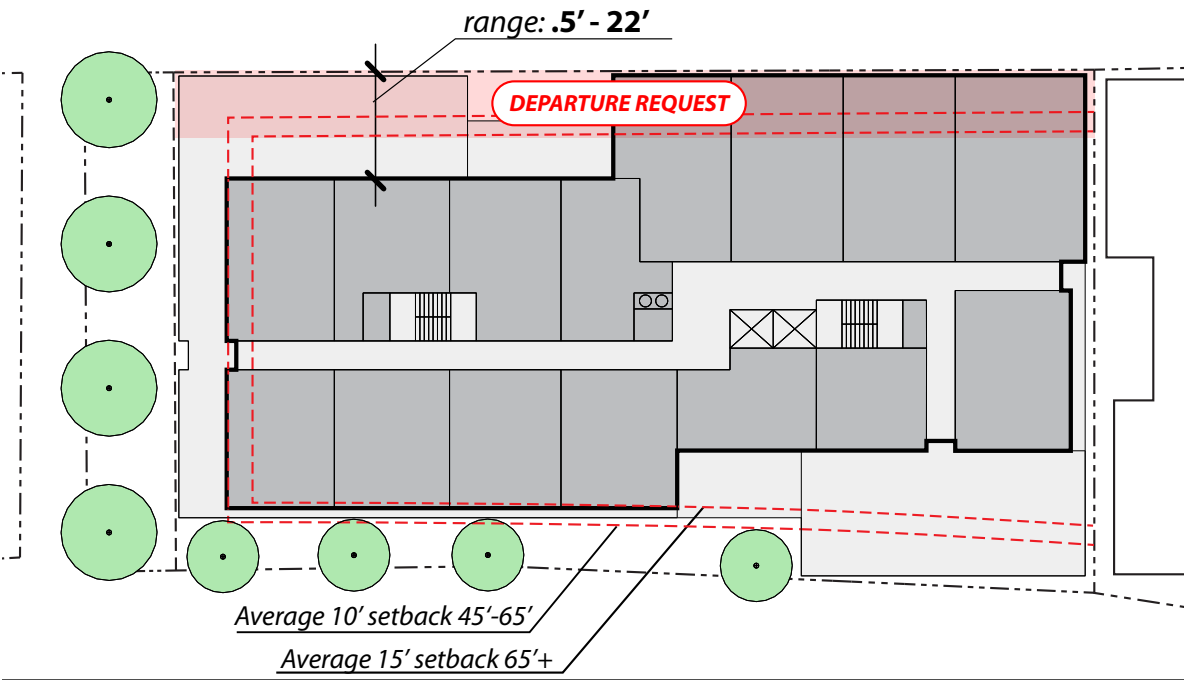
The following average setback along NW Market St above 65 feet:

NW Market St - Departure Request:

- To provide an average of **13'** setback above 65'



VIEW FROM NORTHWEST



RATIONALE

CS2 - URBAN PATTERN AND FORM

The departure allows the project to better respond to the changing urban character of the district, the structure's massing reflecting the transition from urban to industrial character. This scheme responds to the Ballard Character Core, the Industrial character areas, and breaks down the length of the site into two shorter segments. Upper level setbacks reduce the height of street facing facades to mitigate "street canyons" and reduce the perceived mass of the building.

CS3 - ARCHITECTURAL CONTEXT AND CHARACTER

The departure allows for division of the 7 story mass into one, two, and three story elements, reducing the perceived mass of the building both from the street level and from neighboring buildings.

The departure facilitates a unified design and integrates the upper levels into the overall building design. The massing options respond to the surrounding architectural character of the project site, including the maritime-industrial uses south of the site, the traditional character along Ballard Ave east of the site, and the expansion of the urban center along Market St. The scheme reflects the utility of industrial buildings, while employing modern urban design principles.

TERRACED / SCHEME 03 *SOLAR STUDY*

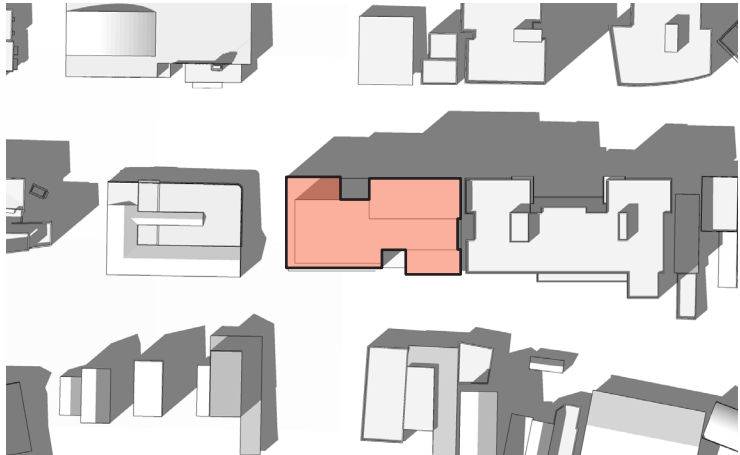
MARCH 21ST:



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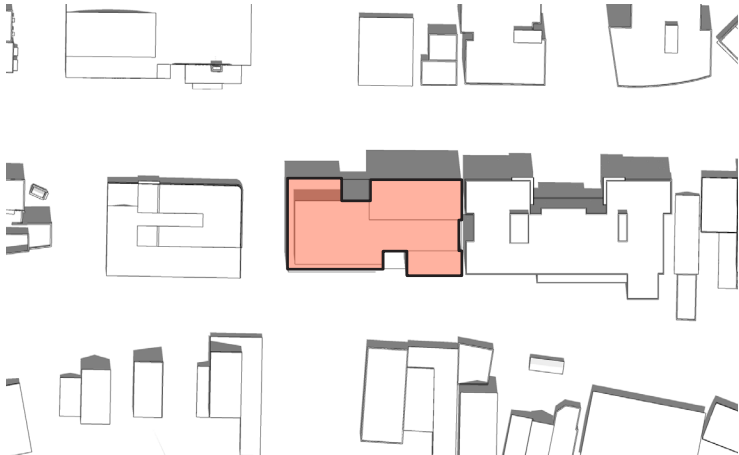


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JUNE 21ST:



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DECEMBER 21ST:



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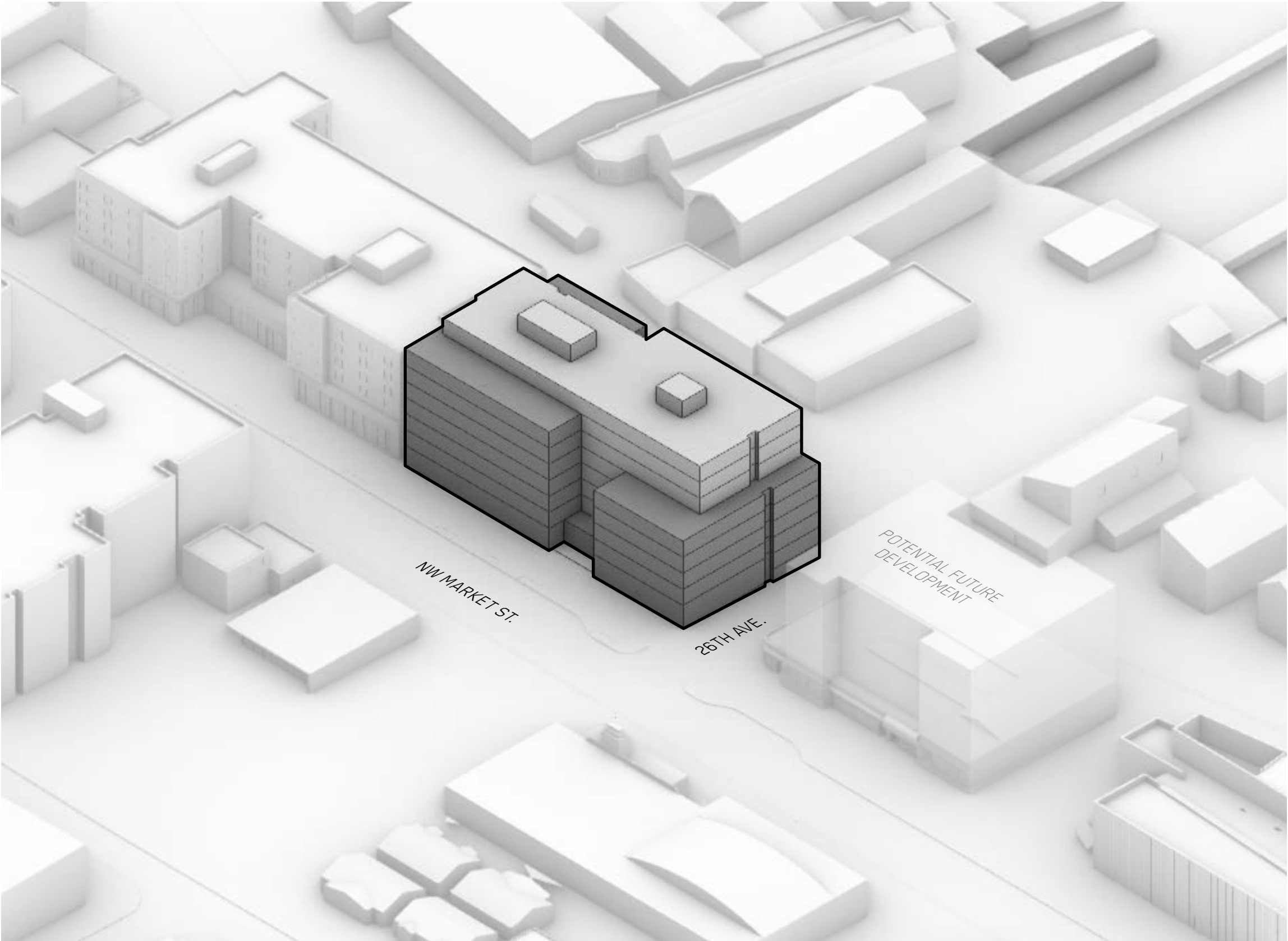


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TERRACED / SCHEME 03 (85') SUMMARY



VIEW FROM NORTHWEST

TERRACED / SCHEME 03 (85')

A variation on Scheme 03 that utilizes a 85' height limit through a NC3P-85(M) Contract Rezone.

FAR / GFA:	5.75 / 125,500 GFA
Unit Count:	140
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Upper level setbacks reduce the apparent structure height along NW Market St. and NW 54th Street.
- Additional height allowance provides more affordable units and housing density at a prime urban village site.
- Increased height allows for additional modulation along the interior lot line by providing flexible application of FAR.
- Higher building volume along the west edge of the site creates stronger corner along 26th Ave. NW and more attractive proportions when viewed from grade.
- This site is in close proximity to the future Ballard light rail station (approx .6 miles to the east). Additional housing at a TOD location supports city-wide goals.

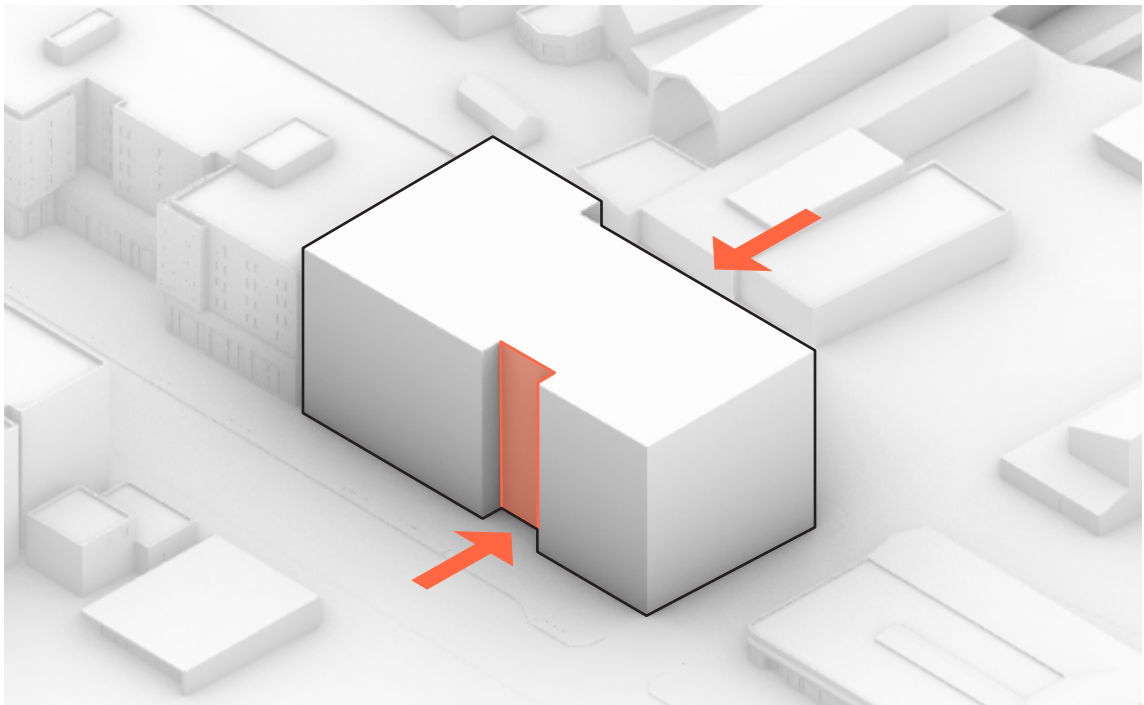
CONS

- The added height exceeds the scale of existing development around the site.

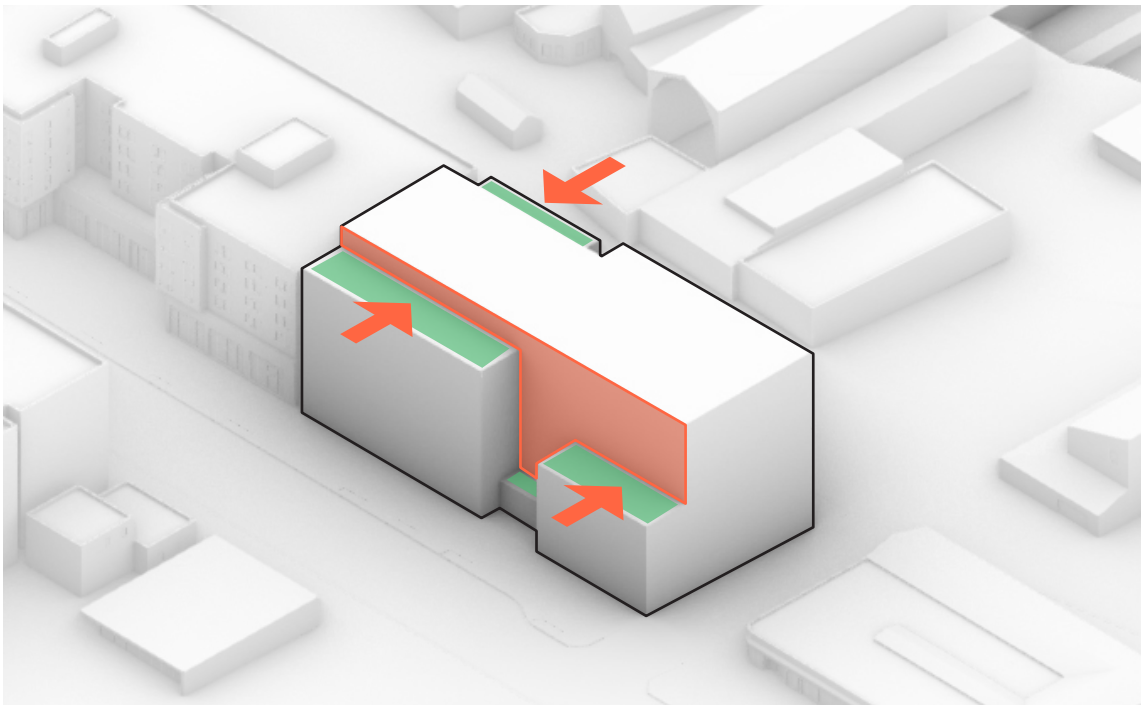
DEPARTURES

- None.

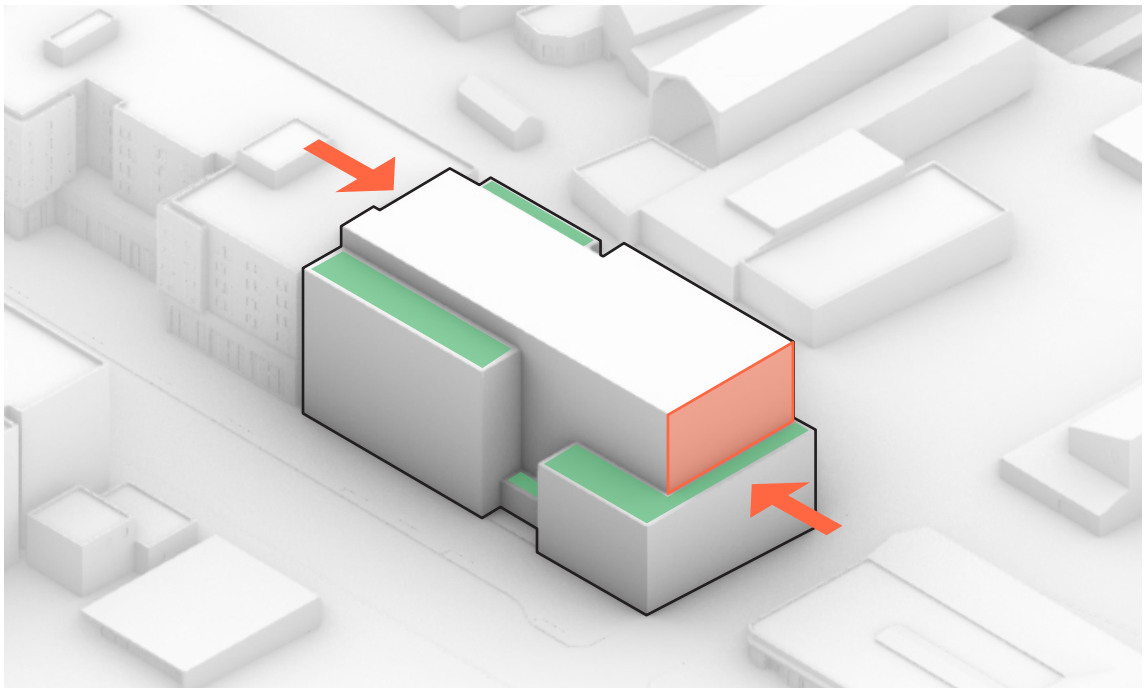
TERRACED / SCHEME 03 (85') *CONCEPT DIAGRAM*



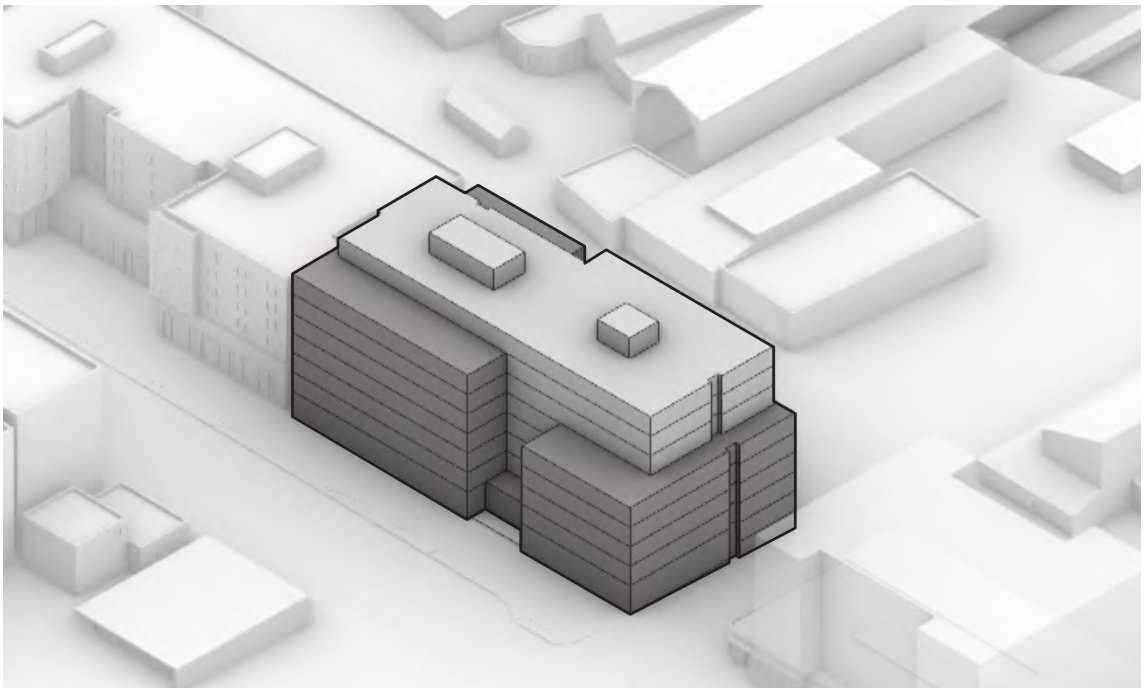
01 / FACADE LENGTH REDUCTION
The massing is broken up at the long north and south facades to reduce the length of the building facades along the principal street frontages.



02 / SECONDARY MASSING
Upper level setbacks applied along NW Market St. and NW 54th St. provide increased daylight penetration to the street.

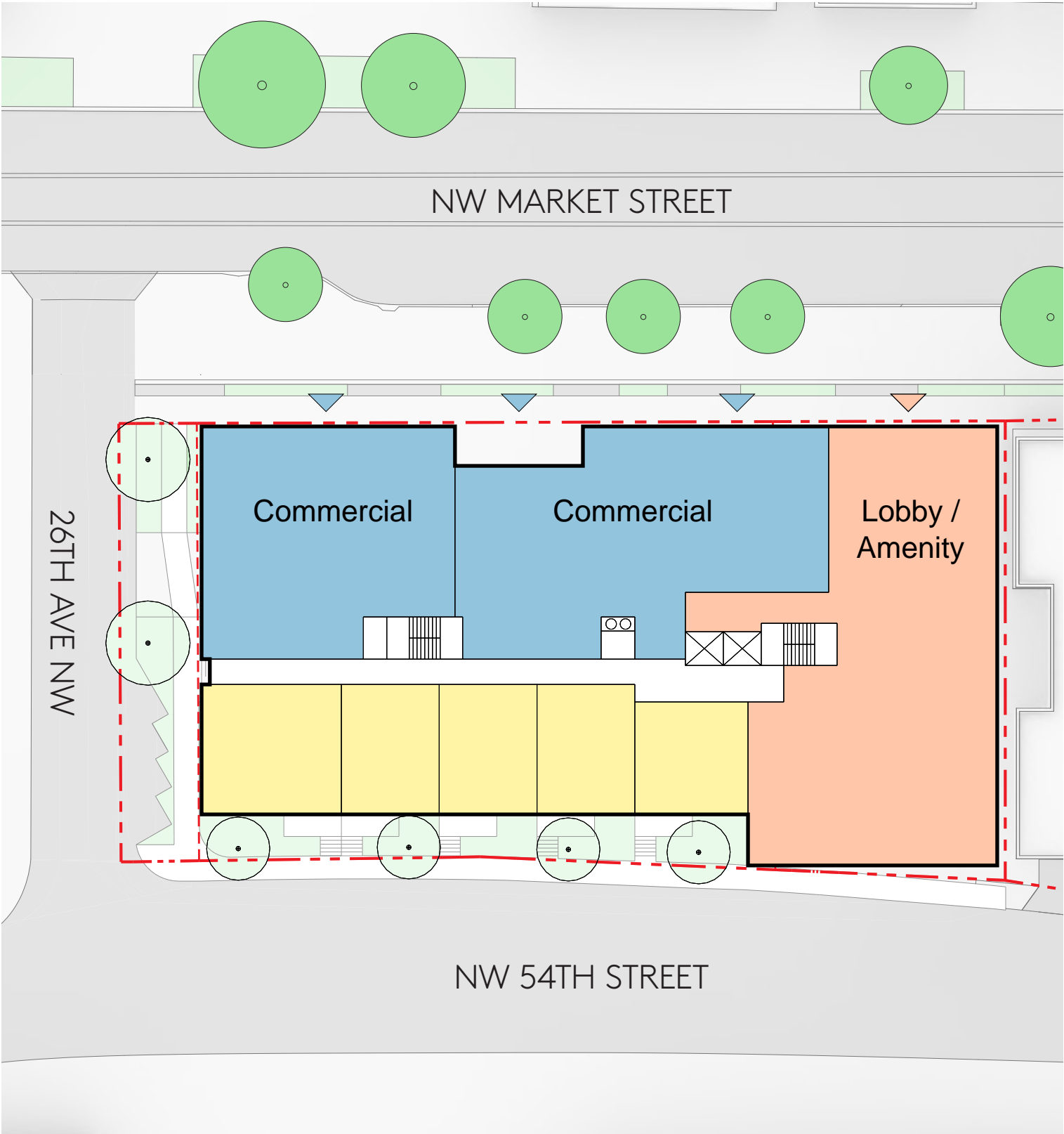


03 / PENTHOUSE
The offset massing along the east and west facades reduce the size of the building volumes and better relate the massing to the neighborhood scale.

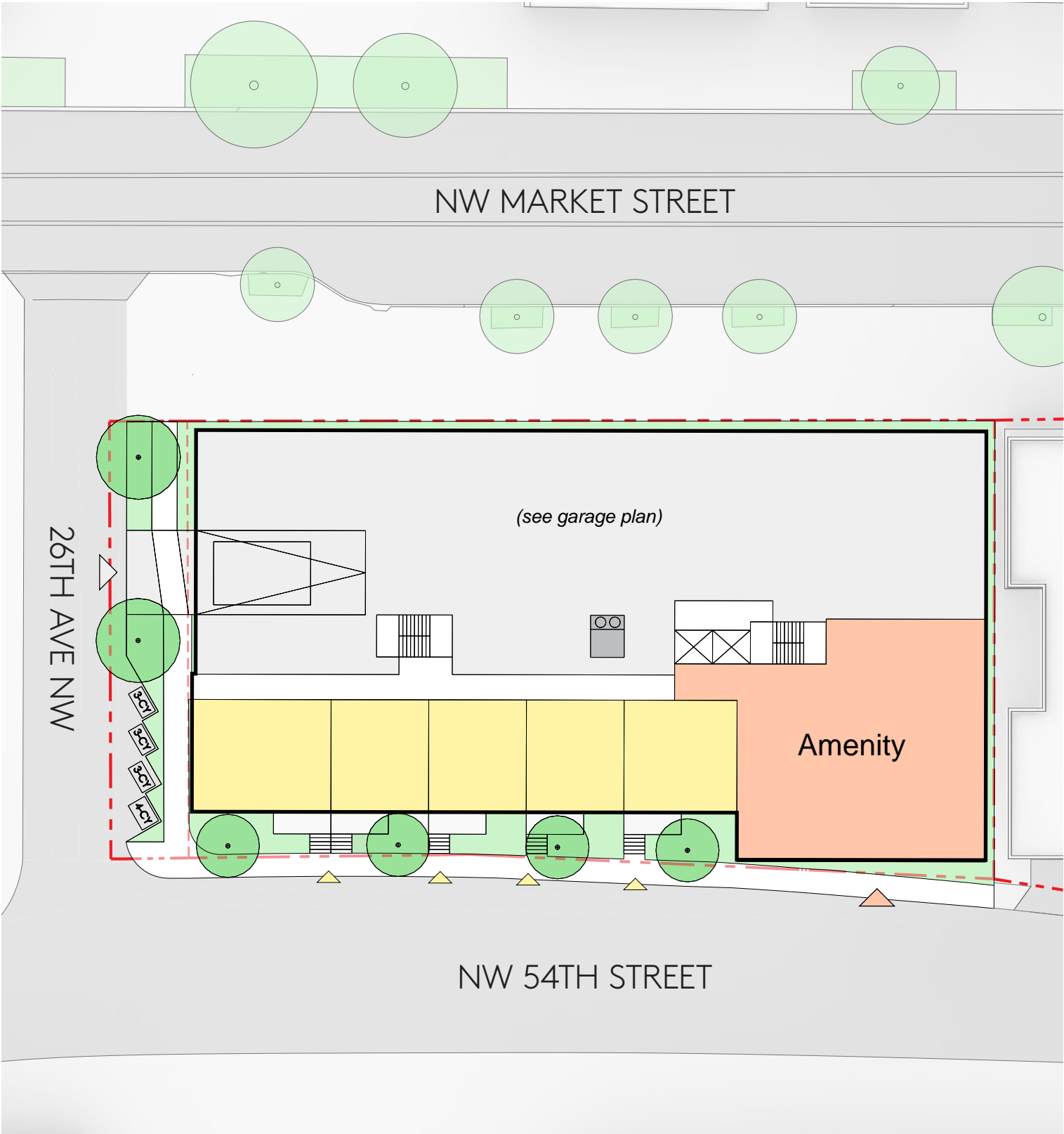


04 / COMPLETED MASSING

TERRACED / SCHEME 03 (85') SITE PLAN



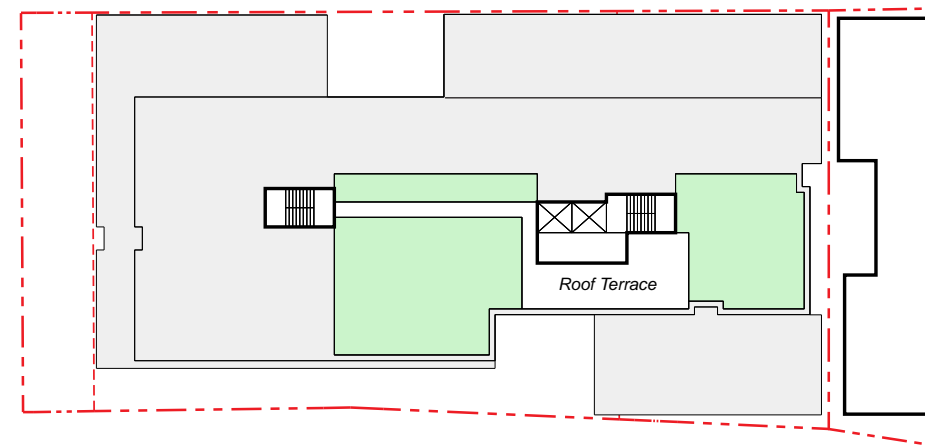
MARKET STREET GROUND FLOOR PLAN



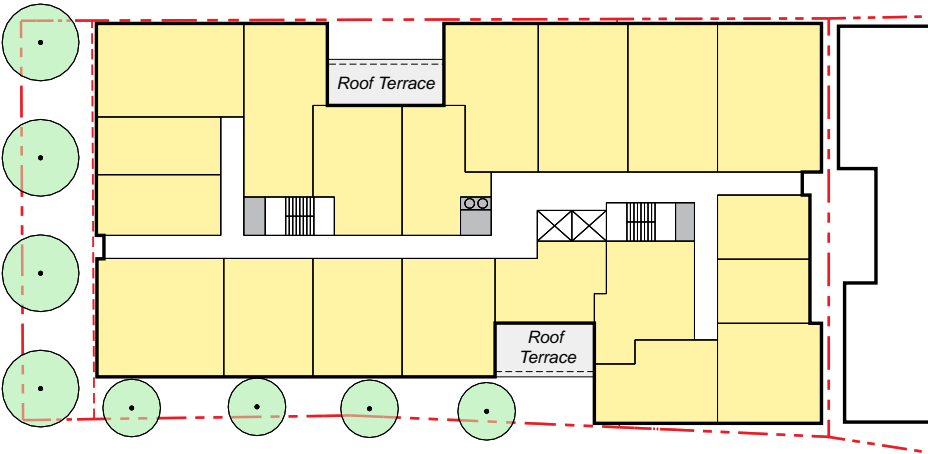
54TH STREET GROUND FLOOR PLAN



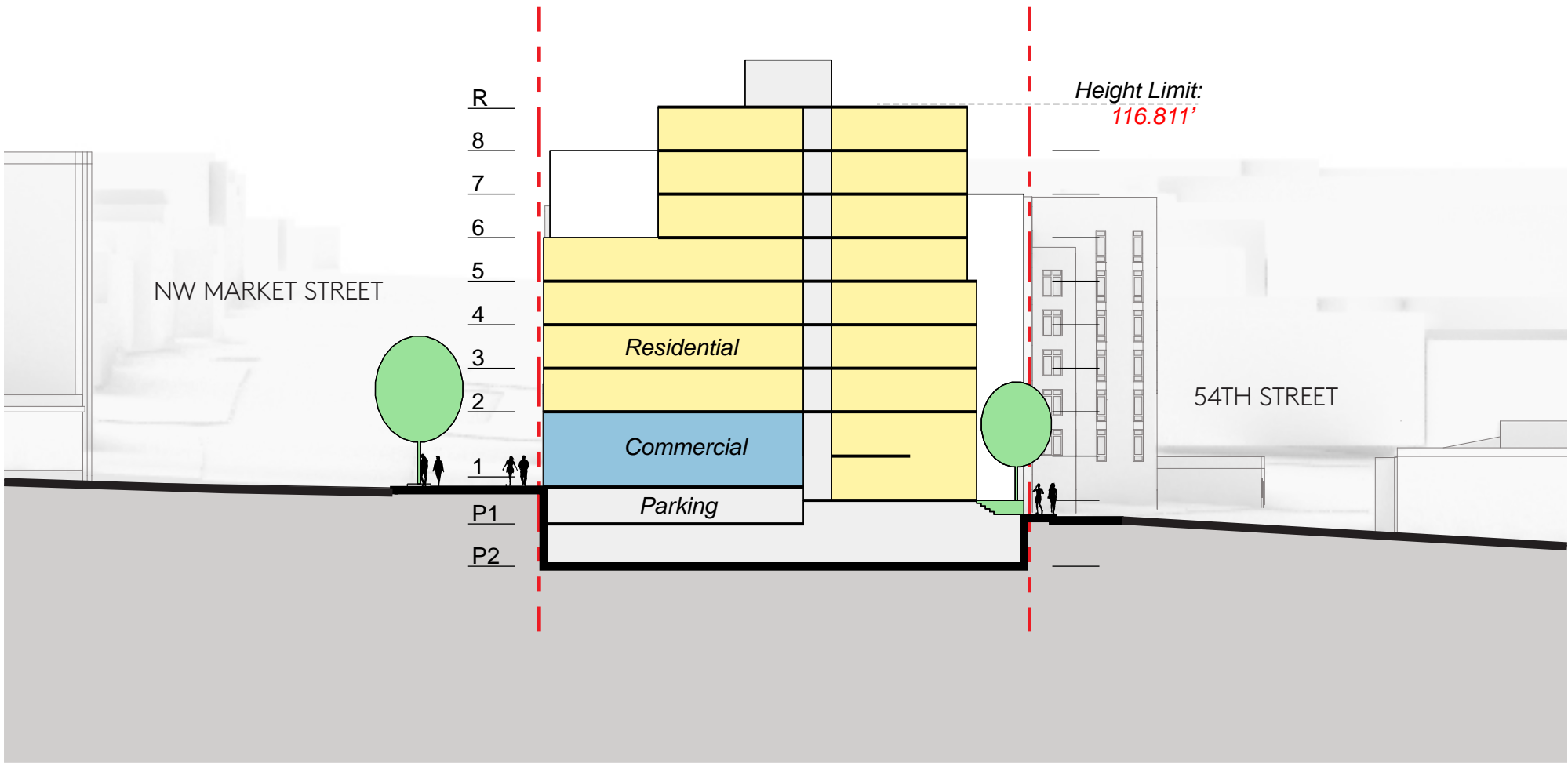
TERRACED / SCHEME 03 (85') PLANS AND SECTION



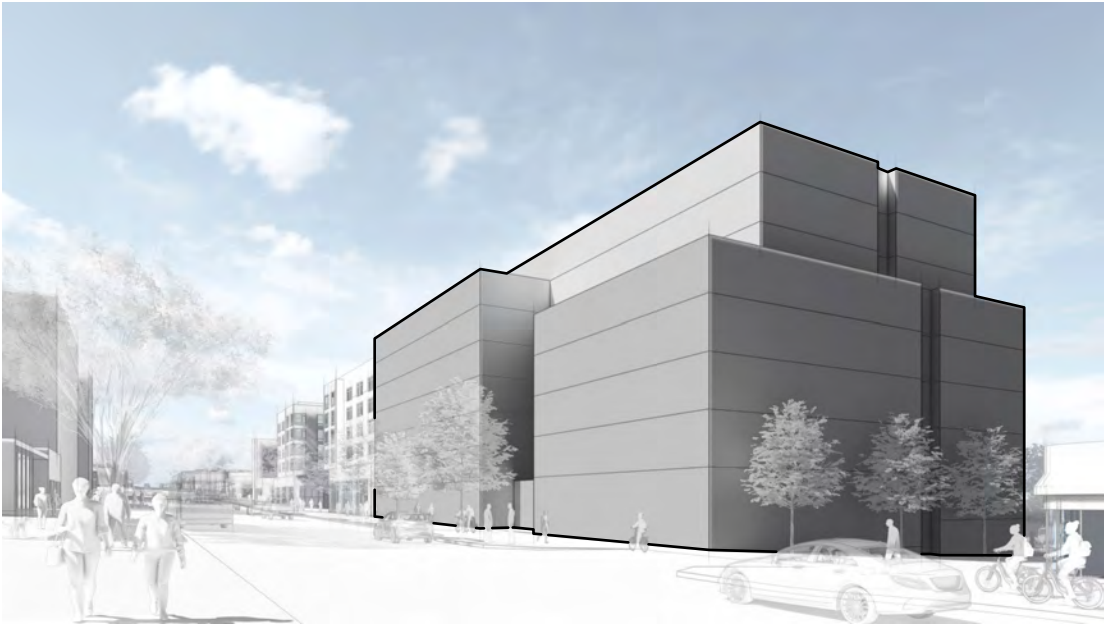
Roof Level



Lvls 2-4



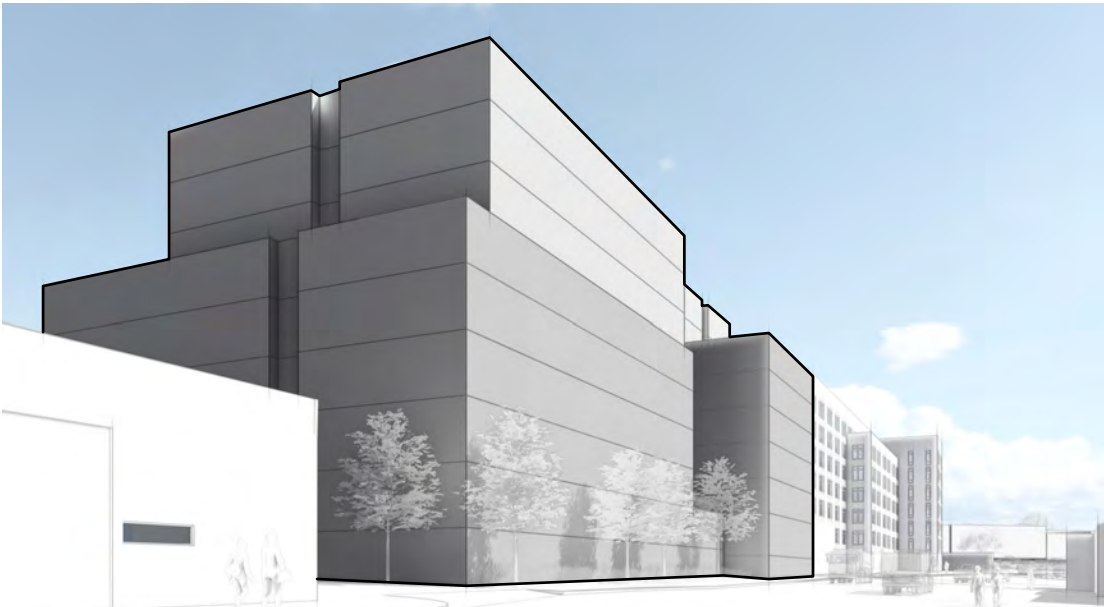
TERRACED / SCHEME 03 (85') PERSPECTIVES



1. LOOKING EAST ON MARKET ST.



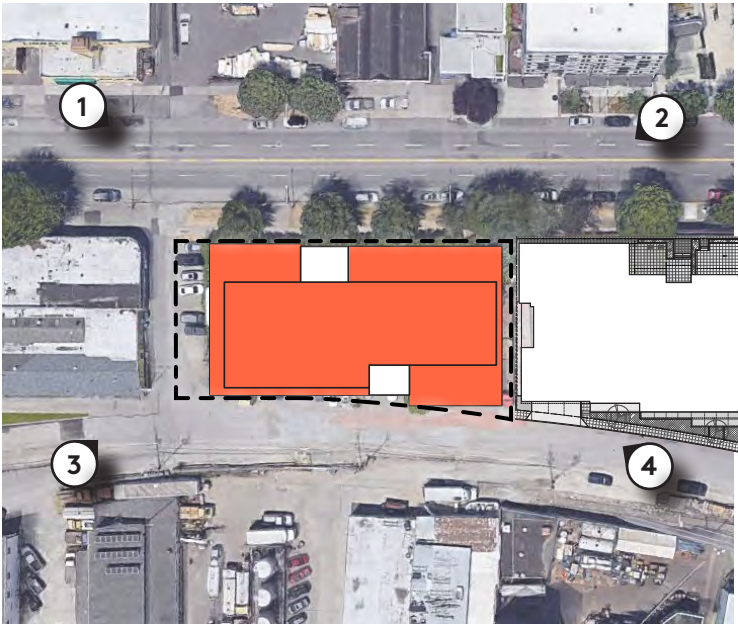
2. LOOKING WEST ON MARKET ST.



3. LOOKING EAST ON 54TH ST.



4. LOOKING WEST ON 54TH ST.



TERRACED / SCHEME 03 (85') SOLAR STUDY

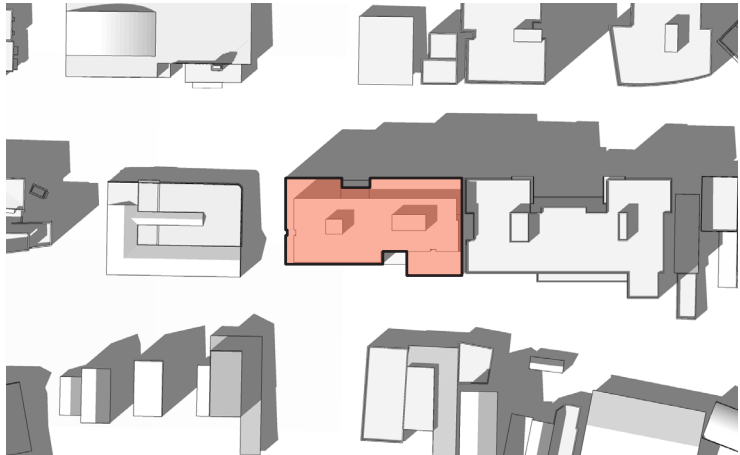
MARCH 21ST:



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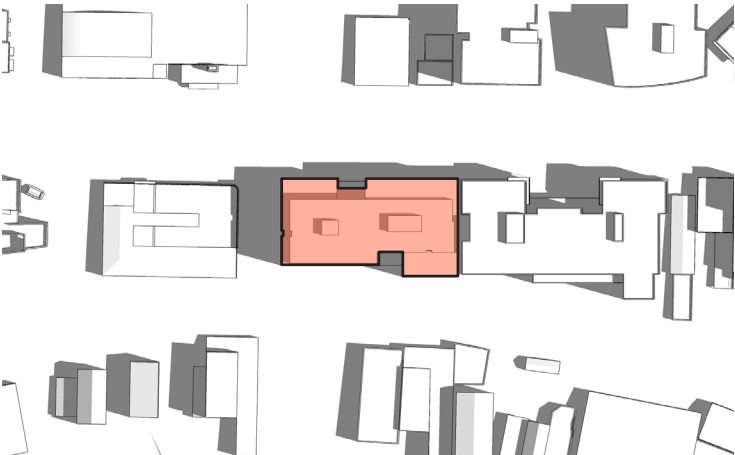


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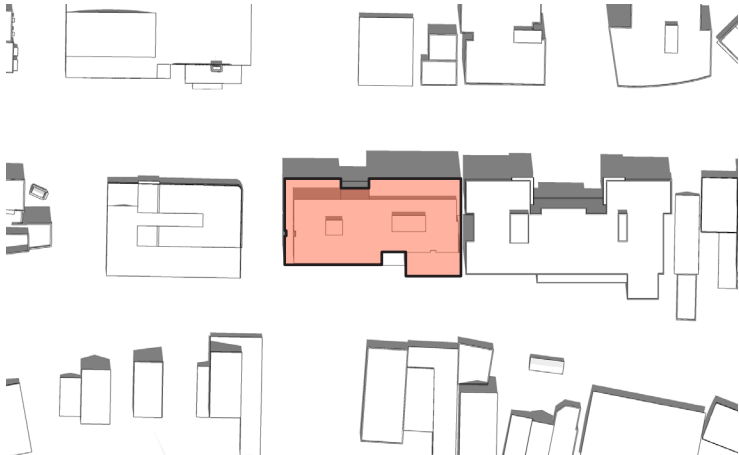


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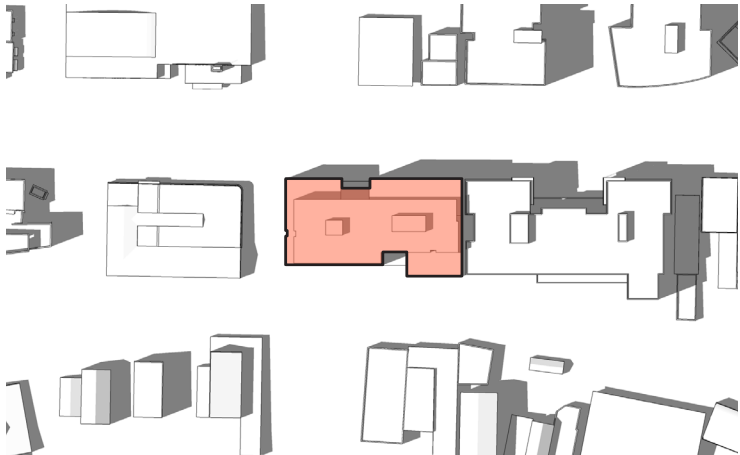
JUNE 21ST:



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DECEMBER 21ST:



9 AM



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The End —

(SITE)

Meeting Notes

APPROVED PRESUB NOTES (GJ) – SEPA and Full Design Review required.

Project:	2501 NW Market Street	Project #:	2033300
Subject:	3037522-EG: EDG Pre-app meeting	Date/Time:	1/21/21
Attendance:	Greg Johnson, SDCI Shelley Bolser, SDCI Sonja Brown, SDCI Ketil, Freeman, COS Ray Ramos, SCL Faith Sugerman, SPU SW Kelsey Timmer, SDOT Jodi Patterson-O'Hare Jordan Selig, JSRE Johan Strand, JSRE Thaddeus Egging, KPFF Ian Morrison, MHL Martha Cox, Mithun Bill Lapatra, Mithun George Gibbs, Mithun	Location:	MS Teams
Distribution:	File; Attendees;	Submitted by:	George Gibbs
Attachments:	None	Meeting No.	NA

Greg Johnson, SDCI - City discretionary Land Use Planner.

Presentation

Brief GG introduction

Industrial waterfront is our neighbor to the south

Site is located within the Ballard Urban Village – inside the Ballard Urban Village

Shoreline master program boundary immediately to the south

BINMIC is immediately to the south of the project site.

2500 fit work radius

site located on bus line and approximately 10 minutes from the future light rail

Site bridges two zones – industrial and NC3

Project is proposing a contract rezone.

214' from a residential zone.

NW Market is a principle pedestrian street

Site is just east of 26th Avenue NW

Ballard Yards project is newest neighbor to the south

Industrial neighbors to the south

Ballard pump station and park to the SE – access to parks at lake edge.

Urban Village

Historic fabric

Bike trail

Timeless design in Ballard with Scandinavian roots

Green champion

Honor what is unique about Ballard.

Site shows adjacency to project under construction
Burke Gillman has been added to the sidewalk piece to the north
Project will consist of residential units above a podium, commercial, parking, bikes (summarize program slide).
Topo
Site right of way along 26th Avenue.
Split zone,
18.5' ROW dedication along 26th Avenue NW
entries from NW Market Street.
Housing units on the south side
54th Street elevation will feature ground related residential, BOH, amenities.
Design team asserts that residents will thrive enjoying adjacency to industrial sites.
75' foot height limit in NC3-75';
Project applicant will pursue Contract Rezone under development standards of NC3-75 (M) zone.

Applicant Questions/assumptions submitted for confirmation:

- 1) Regarding the 26th Avenue SDOT dedication for street widening: Confirm the methodology for calculating FAR. The PAR indicates that the City will require an 18.5' dedication as a condition of the Project to expand 26th Avenue. Please confirm that the Applicant will be able to count the area required to be dedicated by the City as a component of the Project's floor area ratio calculations per SMC 23.86.007.E, which provides "If [a ROW] dedication of right-of-way is required as a condition of a proposed development, the area of dedicated right-of-way is included in these calculations."
- 2) Regarding the 26th Avenue SDOT dedication: Please confirm the 18.5' dedication is measured from the site's westernmost boundary and that the street centerline shall be as indicated on the survey (ref. presentation).
- 3) Regarding 26th Avenue Street design: Confirm that the street design shall include two-way traffic on 26th with planting strip, street trees, 6' wide sidewalk. Confirm that parking is not required at the curb edge.
- 4) Regarding NW 54th Street design: Confirm that the street design shall include a curb, a 6' sidewalk, and planting strip including street trees.
- 5) Regarding NW Market Street: Confirm that that 6' wide sidewalk and planting strip, including street trees, is required between the property and the recently extended Burke Gillman trail that passes in front of the project site.

6) Please confirm the likely location of incoming primary electrical power service for the project. The proposed transformer access shall be from NW 54th Street. The PAR mentions underground power along NW Market Street. Please provide the location of known underground electrical utilities not shown on the survey.

7) The Applicant proposes long-term bicycle parking access from NW 54th Street.

8) Likewise, the Applicant proposes long-term bicycle parking access from NW 54th Street.

9) The Applicant assumes that solid waste staging and pickup will be from NW 54th Street.

10) Regarding short term parking along NW Market Street – (2) 3 -minute loading zones are proposed along NW Market Street. Move-in vehicle parking and move in will be from NW 54th Street.

11) Please confirm the locations of the proposed utility taps from NW Market street: Gas, domestic water, fire, electrical, comm, other.

1) SCL (Ray Ramos)

Power Service: NW Market side is a possibility. Ballard Yards (project to east) utilized an underground street crossing to a vault in the ROW (577 vault) and then into an in-building vault. (can add information in the meeting notes – confirmed that the 2417 project is served from NW Market St). An obstacle for service from NW 54th Side is the railroad tracks along the south side.

Primary power is available at the north side of market. Service routing to be confirmed after application to SCL.

SCL doesn't prefer 54th because of the railroad crossing that would be required. Nordic Museum appears to have been served from 54th but that was connected years ago and isn't necessarily preferred by SCL now.

SCL contacts will be provided. Same engineer as the project to the east of us. SCL ESR contact is Brittney Kent, 206-615-0613, Brittney.Kent@seattle.gov

Service may come from Market Street, while vault may still be placed and accessed from NW 54th . Once again, final service decision will be made by SCL engineering after electrical service size and loads are known.

2) SDOT (Kelsey Timmer)

- *(Added question) What is the required minimum separation between curb cuts? For residential uses, the minimum distance between any two curb cuts located on a lot is 30 feet, except for rowhouse and townhouse developments, the minimum distance between curb cuts is 18 feet (See Exhibit D for 23.54.030).*
- Because the site is in an Urban village, a 6" curb, minimum 6' sidewalk, and street trees are required on all frontages. The standard configuration is street trees within a 5.5' planting strip between the curb and sidewalk. If this configuration is not feasible, street trees could alternatively be planted in 5' setback behind the sidewalk.
- Street trees on market to remain
- Bike parking: SDOT recommends short term bike parking be accessed via Market.
- NW 54th Street: new curb, minimum 6' sidewalk and street trees are required.
 - Initial SDOT guidance is to set curb to allow 22' operating pavement plus 8.5' clear from center of tracks.
 - SDOT does not recommend vehicle and solid waste access from 54th, but this is not a requirement
- 26th Avenue NW
 - 18.5' ROW dedication is required. Measured from property line. Future ROW is 52'. Example 52' UV Neighborhood Access cross section examples can be found in [Streets Illustrated](#).
 - SDCI will weigh in on setback requirements for building
 - New curb, minimum 6' sidewalk, and street trees are required.
 - Set curb to support future 25' roadway
 - A minimum 20' roadway is required in the interim between this project's development and the future development, ROW dedication, and street improvements on the west side of the street.
 - Loading and solid waste staging probably will not be allowed at the curb on 26th due to space constraints.
 - SDOT's initial advice is for the design team to consider the limitations on 54th and 26th as they affect the site, provide a full survey and some recommendations, and Set up a review meeting with SDOT, SPU, Freight and Burke Gillman team to determine frontage details PRIOR to SIP submittal. Set up this meeting with Kelsey at kelsey.timmer@seattle.gov.
- NW Market Street
 - Minimum 6' sidewalk and street trees are required. Existing street trees may satisfy that requirement. Landscape plans for all frontages should be sent to SDOT Urban Forestry at DOT_LA@seattle.gov.

- Burke-Gillman trail and new curb work will remain

3) SPU (Faith Sugerman) - Solid Waste

- 140 apartments will require 21 cubic yards garbage, 14 cubic yards recycle (3) 96 gallon carts for organic compost.
- 8,000 sf of commercial space will require 8 cubic yards garbage, 8 cubic yards recycle, (3) 96 gallon carts organic compost..
- Suggests including SPU in the SIP meeting for the design of 26th Avenue NW and how it affects solid waste collection. Given the challenges of each street frontage on the project, SPU encourages the project to plan for on-site solid waste services.

2-weeks prior to MUP application send a completed [solid waste checklist](#) and site plan that details solid waste storage and access to SPU_SolidWastePlanReview@seattle.gov.

4) Zoning (Sonja Brown)

- FAR basis to include surveyed property boundary as it exists *before* the dedication.
- Upper level setback applies to all street frontages.
- 26th Avenue setback is measured from the PL or the setback? Measured from street lot line *post-dedication*.
- How is the height limit determined? May we use the dedication area in determining height? No. It is based on the building face (smallest rectangle that inside which the building is inscribed).
- There is not any mechanism that provides monetary compensation for the land that is taken by the dedication. Because dedications are a condition of the development permit (generally to meet minimum width requirements of a street or alley, but sometimes for other required improvements) the City does not compensate the landowner for the dedication.

5) Contract Rezone Pre-app (Ketil Freeman, Shelley Bolser)

- Quasi-judicial Process (Rezone) slide, summary of the process (obtain).
- The boiler plate rules re. communications with decision makers, influencers etc. "discouraged."
- PUDA is drawn up and recorded against the project.
- Council members not permitted to communicate with applicant during process.

6) Contract Rezone presentation to Shelley Bolser and Greg Johnson.

- Presentation of criteria. NC3 Contract Rezone pre-app concepts.
- Outside of the BINMIC, outside of the shoreline area
- Inside the Urban Village, on principle pedestrian arterial, well served by transit options

- Outside the shoreline zone.
- Looking for questions or reactions to the locational criteria.
 - Shelley Bolser offers the following:

- Show how it meets the general rezone criteria, difference in height limits between existing and proposed zoning:
23.34.008
23.34.009
-
- In this response, be sure to touch on how rezone affects potential employment (industrial zones have more employment opportunity than residential)
-
- Be sure to show how private property views are potentially blocked by the change in zoning, as well as views from the public realm.
-
-
- Show how the site is suited to and DOES meet commercial zones and NC3 criteria:
-
- 23.34.072
23.34.078
-
- Also address the P zone criteria as being appropriate for this site:
-
- 23.34.086
-
-
- Demonstrate how it is not well suited to and does NOT meet industrial and IC criteria:
-
- 23.34.090 - Designation of industrial zones with extra attention in the response to (G) for rezoning industrial to less intensive zones, and (H) zone transitions between residential/more intensive industrial (ex. that transition exists moving south-north now and would be less gradual with this change)
23.34.096 - Locational criteria—Industrial Commercial (IC) zone.
-
-
- Also indicate how the criteria for intermediate zones are NOT as well suited for this site (SDCI analysis requires zones between the two intensities are considered):
C1 zones in SMC 23.34.080 and C2 zones in SMC 23.34.082
-
-
- SDCI will have to weigh and balance all the criteria in our recommendation to the Hearing Examiner
 - Graphically represent the site with and without the rezone (sight lines)
 - Show how it meets the location criteria.
 - How does the site NOT meet the industrial IC locational criteria.
 - G. Rezoning industrial to less-intensive zones.

- H. Zone transitions to industrial use to the south – potentially awkward.
- Burden is on the Owner to show that the site doesn't meet the IC criteria.
- Surplus site hasn't yet been developed for industrial use. Wouldn't bring other industrial use into non-conformity.
- Project site sits outside the BINMIC, outside shoreline zone, and inside the Ballard urban village.
- SDCI cannot give indication of whether or not the staff will support the ask.
- Re: Intensity that exists and intensity that you are asking for
 - Site is not well suited to commercial zoning.
 - Between the existing NC zones and the C zones, this site meets/does not meet the criteria.
- Applicant asks that SDCI communicate negative reactions to the narrative, if you see any fatal flaws we want to enter into dialogue.
 - "Maybe, and here are some challenges you'll have to address."

7) EDG/DRB (Greg Johnson, SDCI)

- Full DRB required for proposal/site
- Approved EDG pre-app notes uploaded
- Review notes – (1-2 week turnaround +/-)
- Review packet with planner by email/short meeting. Prior to draft packet submission with the EDG application, if you have any questions about the design/organization/necessary information within the packet, you can discuss with Greg Johnson over the phone or email.
- Complete EDG application, including submission of draft packet
- Draft EDG Packet and submit. Allow two weeks for review of draft packet. If the draft packet is sufficiently developed, a DRB meeting can be scheduled.
- Turn in for review
- Planner will schedule Board meeting (six weeks advance notice)
- Need final packets submitted via mail 2-weeks prior to meeting
- Upload final packets to the file (hightail). Approximately a month prior to the DRB meeting, you will receive instructions for the electronic and paper-copy submission of the final EDG packet.
- EDG meeting
- Summarize by planner in Report (Report will be uploaded approximately 2 weeks after the DRB meeting.)
- Okay to proceed to MUP application with Board recommendation to move ahead to MUP. If massing/conceptual guidance is substantial, the Board may recommend a second EDG meeting.

- Public outreach required? Comments from DON must be included within the EDG packet. You should be contacted by DON about the public outreach requirements. Yes. Public comments received during the public outreach should be summarized within the packet.
- April EDG meeting may be possible with prompt EDG application submission and a thorough EDG packet based on the timing of this meeting and turnaround of notes.
- SEPA Review is required based on the thresholds of the current zoning district. Confirm that SEPA is required based on current zoning district. Which zoning district would apply. A SEPA review component will be required at the Master Use Permit stage due to the proposed development exceeding the SEPA thresholds of the current IC zoning district.
- Specific to the SEPA review, the site is located within the Meander Line buffer and is also located along a designated scenic route. The SEPA checklist and MUP application materials should include analysis of these issues.

The above notes are Mithun's interpretation of the items discussed. If there are corrections, clarifications, or additions to these minutes, please send them to Mithun within seven calendar days, or submit them at the next meeting. Otherwise, these notes will be considered an accurate record of the meeting.





City of Seattle
Department of Construction and Inspections
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
(206) 684-8850

SDCI Project Number

Statement of Financial Responsibility/ Agent Authorization

Project Address	
------------------------	--

NAME AND ADDRESS OF FINANCIALLY RESPONSIBLE PARTY (Required)

A. Name of Individual or Entity (<i>Company, Partnership, etc.</i>) Assuming Financial Responsibility	
B. Name of Individual Signing on Behalf of an Entity (<i>Company, Partnership, etc.</i>)	
C. Financially Responsible Party Relationship to Property	<input type="checkbox"/> Property Owner <input type="checkbox"/> Property Lessee <input type="checkbox"/> Property Contract Purchaser <input type="checkbox"/> Public Agency <input type="checkbox"/> Service Requestor (check only if request does not directly relate to the development of real property i.e. request for interpretation, legal building site letter)
D. Mailing Address (<i>of individual signing statement</i>)	
E. Telephone (<i>of individual signing statement</i>)	
F. Email (<i>of individual signing statement</i>)	

Individual Declaration of Financial Responsibility (*must match the individual's name listed in "A" above*)

I _____ (printed name) declare that I am the _____ (relationship to project or service request) and that I am responsible for payment of all fees associated with this project or other request to SDCI requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Signature

Date

Entity Declaration of Financial Responsibility *(must match the individual name in "B" above and have authority to bind entity named in "A" above)*

I _____ *(printed name)* declare that in my capacity as _____ *(position within entity - ie manager, CFO, etc)* for _____ *(financially responsible entity named in "A" above)* I have the authority to bind the Financially Responsible party named above to payment of all fees associated with this project or other request to SDCI requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Signature

Date

AGENT AUTHORIZATION (Optional):

I hereby authorize the individual named below to act as the primary contact (aka primary applicant) for this project. This individual is not responsible for the payment of fees.

Primary Applicant Name: _____

Primary Applicant Phone: _____

Primary Applicant Email: _____

Primary Applicant Address: _____

Rezone Application Submittal Information

Please provide the following information with your rezoning application at the time of your appointment:

1. Project number.

3037590-LU; the Project was reviewed under 3037522-EG for early design guidance.

2. Subject property address(es).

2501 NW Market Street in Seattle, Washington 98107 (referred to herein as the “Property”).

3. Existing zoning classification(s) and proposed change(s).

The western portion of the Property is zoned Industrial Commercial with a 65-foot height limit and a Mandatory Housing Affordability designation of (M) (“IC-65 (M)”). The eastern component of the Property is zoned Neighborhood Commercial-3 with a Pedestrian Designation, a 75-foot height limit, and MHA designation of (M) (“NC3-P 75 (M)”). This application is for a contract rezoning to designate the entirety of the Property NC3-P 75 (M) (the “Application” or the “Rezoning”). The entire Property, including the western portion currently zoned IC-65(M) is within the Ballard Hub Urban Village, and not within the Ballard-Interbay-Northend Manufacturing Industrial Center.

4. Approximate size of property/area to be rezoned.

The total size of the Property 21,824 SF or approximately 0.5 acres. The 15,943-sf. eastern (approximately 0.366 acres) portion of the Property to be rezoned from IC-65(M) to NC3-P 75.

5. If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and Tip 103B, Environmentally Critical Area Site Plan Requirements.

N/A

6. Applicant information:

J. Selig Real Estate, LLC

7. Legal description of property(s) to be rezoned (also include on plans – see #16, below).

THAT PORTION OF GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 25 NORTH, RANGE 3 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

TRACT 49 OF FARMDALE HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY AND SOUTHERLY OF MARKET STREET RIGHT OF WAY.

EXCEPT THE EAST 450.00 FEET THEREOF.

8. Present use(s) of property.

The site is vacant and used for outdoor storage associated with the shipyard across NW 54th Street.

9. What structures, if any, will be demolished or removed?

There are no existing permanent buildings on the Property. All temporary outdoor storage structures will be removed. The site will be cleared in preparation for grading and excavation work.

10. What are the planned uses for the property if a rezone is approved?

The project is an 8-story mixed-use multi-unit residential building containing approximately 110-120 residential units, 4,500-5,500 SF of commercial space and parking for approximately 60 vehicles ("Project"). Residential use will consist of a mix of market rate and low-income residential units through the City's MHA performance option.

11. Does a specific development proposal accompany the rezone application? If yes, please provide plans.

Yes. Please see the attached Master Use Permit application.

12. Reason for the requested change in zoning classification and/or new use.

The Rezone would implement the goals and policies of the Comprehensive Plan by allowing for dense residential development within the Ballard Hub Urban Village and to eliminate a split-zoned property that is currently underdeveloped and used only as a storage site. The Comprehensive Plan calls for the greatest density to be directed towards urban villages and centers. The Rezone will allow for more residential and mixed-use development within the Ballard Hub Urban Village near transit.

13. Anticipated benefits the proposal will provide.

The Rezone will contribute to the City's housing supply by providing new housing in the Ballard Hub Urban Village near transit. The Property is currently undeveloped and used only for storage.

The Rezone would allow for a pedestrian-oriented and climate-responsive residential building offering a variety of unit sizes. The Applicant intends to pursue the MHA affordable housing on-site performance option with at least 7 units (6%) available for MHA qualified households spread across various unit types. In general, the Project benefits the City by allowing more people, including diverse families to live in the Ballard Hub Urban Village with its accessibility to walkable services and transit options. On site affordable housing, especially in varied unit sizes, is a benefit.

In addition, the ground-level design will benefit both the neighborhood and local small businesses. The Project's design includes street facing retail along Market Street with a high degree of transparency. The proposed design of the ground level commercial space accommodates a variety of neighborhood and local small businesses, including restaurants, café, and small-scale retail sales and services. The commercial frontage will feature broad expanses of transparent operable storefront glazing and encourage outdoor seating along the Market street sidewalk frontage. The NW 54th street frontage will incorporate flexible residential-workshop style residential units accessed from the public way with residential space located on the level above the street. The design will support the needs of adjacent uses by locating service uses to minimize impacts to existing freight traffic.

14. Summary of potential negative impacts of the proposal on the surrounding area.

The Project will displace the current outdoor storage use and replace it with a mixed-use development that is consistent with the scale and design of current surrounding properties such as the Mark24 residential development across Market Street. The Project would not have negative impacts on the surrounding area. Potential concerns around the perception of bulk and scale could be addressed through the City's design review process and would factor in the following concepts:

- i. Project complies with the NC3-75 zoning to the east of the Property.
- ii. Project design includes upper-level setbacks and façade modulation to reduce the perceived scale and bulk of the project when viewed from the street and upland sites.
- iii. Project will undergo design review process to ensure height, bulk and scale compatibility.
- iv. Project includes varying sizes of building volumes relates to the smaller scale of existing industrial neighbors.
- v. Project design provides reduced building height, scale and bulk when viewed from NW Market Street and NW 54th Street.
- vi. Project's setback upper-level massing provides increased daylight penetration to the street
- vii. Design team utilized shadow studies to sculpt the building and reduce the impacts on adjacent properties
- viii. Design team conducted community outreach to understand specific concerns with height, bulk and scale, incorporating comments into our design.
- ix. Adjusted designs per the recommendations of Design Review Board at EDG (which reviewed for height bulk and scale).

The Project will not have any potential negative transportation or parking impacts as shown in the Transpo Group traffic impact analysis submitted with the MUP based on the Project's anticipated population and travel patterns and the proximity to a variety of transit options near the Project.

15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).

No special permits or approvals are necessary other than code-required processes for a project this scale. Those processes include: SEPA determination, design review approval, and zoning approval. A Building Permit and Street Improvement Permit, as well as various other ministerial permits (side sewer permit, PSCAA permit, for example) will be required to actually construct the Project.

16. Submit a written analysis of rezone criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.

SMC 23.34.004 - Contract rezones

A. Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and

development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.

This Application is for a contract rezone; a PUDA will be developed as part of the Council review.

B. Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.

C. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney and shall not be construed as a relinquishment by the City of its discretionary powers.

D. Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

The Applicant does not seek a waiver from bulk or off-street parking and loading requirements. Departures from Code will be addressed through the Design Review process.

SMC 23.34.007 - Rezone evaluation

A. The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

Noted. The relevant rezone criteria for this Application are addressed below and should be weighed and balanced together.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of

rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

Noted.

C. Compliance with the provisions of this Chapter 23.34 shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in subsection 23.60A.042.C.

The Shoreline Policies do not apply to this Rezone.

D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.

The Property is located in the Ballard Hub Urban Village as established in the Comprehensive Plan on page 243.

E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23. 60A.220.F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

N/A.

SMC 23.34.008 General rezone criteria

- A. To be approved a rezone shall meet the following standards:
1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125 percent of the growth estimates adopted in the Comprehensive Plan for that center or village.
 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.

The Property is located in the Ballard Hub Urban Village. Current density in Hub Urban Villages is 13.5 housing units per acre (Seattle Comprehensive Plan, Land Use Appendix Figure A-2). The Comprehensive Plan adopts growth targets of 10,900 new residential units in Hub Urban Villages between 2015 and 2035 (2035 Seattle Comprehensive Plan, Citywide Planning, Growth Strategy Figure 1). The proposed rezone would slightly increase the zoned capacity of the Ballard Hub Urban Village, by adding 115-140 new units. This increase does not reduce capacity below 125% of the Comprehensive Plan growth targets. Instead, the Rezone supports the City's ability to meet the population growth targets and densities in the Comprehensive Plan.

- B. Match Between Zone Criteria and Area Characteristics.** The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The western portion of the Property is currently zoned IC-65. The eastern component of the Property is zoned NC3-P 75. The Rezone of the western portion would allow for 75 feet in height across the entire site and residential uses, consistent with properties extending east along NW Market Street, and the recently developed AMLI residential project across NW Market Street from the Property. Please see the functional and locational criteria analyses below.

- C. Zoning History and Precedential Effect.** Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The Property was originally zoned First Manufacturing as reflected in the City's 1947 zoning map.¹ The block to the west and across Market Street were zoned Commercial. The Property was designated Industrial in the City's first Comprehensive Plan in 1957. Resolution 17488; see <https://www.seattle.gov/cityarchives/search-collections/research-tips-and-tools/guide-to-the-comprehensive-plan-in-seattle>. In 1973, the Property was zoned General Industrial and eastern portion of the block, adjacent to the Property was a Community Business zone.

The Ballard Urban Hub Village was first established in 1994. *See* Ordinance 117221.

The western portion of the Property was previously designated IC-65 prior to implementation of Citywide MHA, when it was designated IC-65(M) in 2019.

- D. Neighborhood Plans.**

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.
2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.
3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.
4. If it is intended that rezone of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

¹ See City of Seattle Archives 1947 Zoning Maps, Plate 11: http://archives.seattle.gov/digital-collections/index.php/Search/objects/search/ca_objects.type_id%253A26+AND+ca_objects.date.value%253A%221947%22+AND+ca_objects.map_group:%207419

The Crown Hill/ Ballard neighborhood plan is a part of the Comprehensive Plan. It does not include specific guidance for rezones or rezone review in the Ballard Hub Urban Village. Our proposal is consistent with the Neighborhood Plan, furthering its goals and policies.

The Crown Hill/ Ballard Neighborhood Plan encourages mixed use development within the Ballard Hub Urban Village, concentrating residential density within the Hub, and supporting local business and a pedestrian environment. The proposed NC3-P zoning designation would allow for multifamily development and neighborhood-serving commercial uses, with required ground-level uses on pedestrian designated streets. Since the Property is within the Urban Village, a rezone to an NC designation across the entire Property would be consistent with the following Neighborhood Plan policies:

CH/B-G1 A defined, vital, accessible mixed-use core with residential and commercial activity in the Ballard Hub Urban Village and Crown Hill Residential Urban Village.

CH/B-P2 Improve the attractiveness of the business areas in the Ballard Hub Urban Village and the Crown Hill Residential Urban Village to businesses, residents, and shoppers through creation of pleasant streetscapes and public spaces.

CH/B-G2 A community with housing types that range from single-family to moderate-density multifamily.

CH/B-P5 Accommodate the majority of new housing units and increases in density in the central areas of the Ballard and Crown Hill urban villages.

CH/B-P6 Maintain the physical character of the single-family-zoned areas in the Crown Hill/ Ballard plan area.

CH/B-P10 Strive to improve the pedestrian environment along NW Market Street while retaining its function as a principal arterial.

Crown Hill/ Ballard Neighborhood Plan, 2020 Comprehensive Plan p. 241-246.

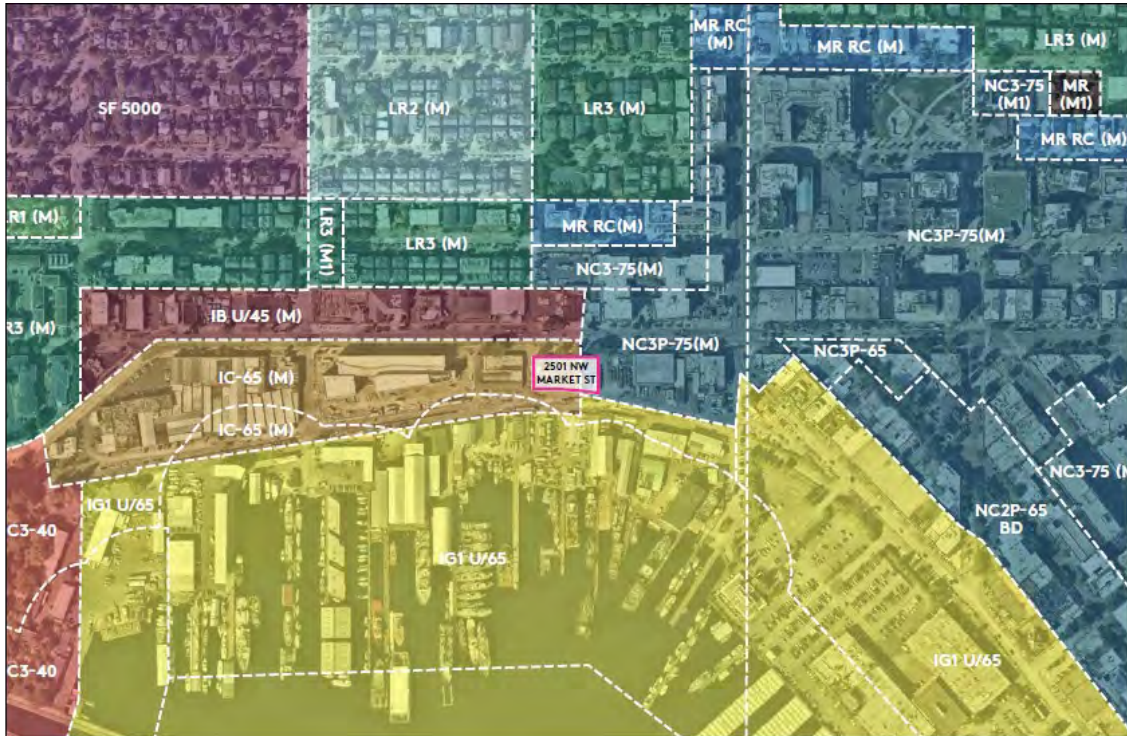
E. Zoning principles. The following zoning principles shall be considered:

- 1. The impact of more intensive zones on less intensive zones, or industrial and commercial zones on other zones, shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.**

As shown on Map A below, the properties to the west of the Property are zoned IC-65(M). Apart from the Nordic Museum these are industrial and commercial properties with a height designation of only ten feet less than what is contemplated in the Rezone. The properties to the east are all NC3-75, which matches the Rezone request. The nearest residential zone is a Lowrise 3 zone to the north approximately 200+ feet away. The nearest single-family zoning is nearly 1000 feet away as the crow flies. See Map A and D below. To address the transition to the IC-65 zone to the west, the Project incorporates massing that steps down 2-stories at the western site boundary facing 26th Avenue NW to reduce the perceived height,

scale and bulk of the Project when viewed from the west. The Project supports the goals of the Ballard Hub Design Guidelines for commercial development located along NW Market Street. The Project is entirely consistent with the goals of the Comprehensive Plan and the neighborhood design guidelines to provide more residential density with urban villages and sensitively integrate with existing uses and physical urban patterns. The Project matches the scale of the eastern neighbors along NW Market Street and steps down toward the west.

MAP A – ZONING CONTEXT



2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:
 - a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines.

N/A.

- b. Freeways, expressways, other major traffic arterials, and railroad tracks;

The Project is separated from the nearest residential uses to the north by Market Street, which is a major arterial in the Ballard Hub Urban Village.

- c. Distinct change in street layout and block orientation;

N/A.

- d. Open space and greenspaces.

The Project is set back 10-15 feet along the southern site boundary facing NW 54th Street to provide a screened buffer from existing industrial uses located across the right-of-way. The setback will incorporate trees and planting to reduce glare and noise impacts from adjacent uses.

3. Zone boundaries

a. In establishing boundaries, the following elements shall be considered:

- 1) Physical buffers as described in subsection 23.34.008.E.2; and
- 2) Platted lot lines.

The Property is currently split-zoned. The proposed Rezone would correct that to create a zone boundary following platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

See Map A above. The Property is abutting commercial uses to the east and west and commercial/industrial uses to the north. The nearest single residential zoned area to the north is nearly a ¼ mile away and is buffered by a major arterial street and intervening blocks of industrial, commercial and lowrise residential zoned land that provides adequate transition.

4. In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.

Since the Property is within the Ballard Hub Urban Village the proposed Rezone to NC3 with a 75-foot height designation meets this criterion.

F. Impact evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the following:

a. Housing, particularly low-income housing;

The Project will have a positive impact on housing because it will provide approximately 110-120 units of rental housing, including approximately 7 units of affordable housing reserved for residents earning between 40% and 80% AMI through on-site MHA performance.

b. Public services;

The Project will have a less than moderate impact on public services similar to the other mixed-use residential and commercial development in the Ballard Hub Urban Village.

c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;

The Project will have a less than moderate impact on environmental factors and will undergo SEPA review and condition subject to SMC 25.05.675.

d. Pedestrian safety;

The Project will locate its pedestrian entrance on Market Street on the eastern façade to ensure compatibility with the vicinity industrial uses.

f. Employment activity;

The Property is vacant land used for outdoor storage; there is no employment activity on the site. The Project will support additional commercial activity with the ground-floor space and provide housing opportunities for tenants that work in the Ballard Hub Urban Village and the BINMIC. Overall, the Project will have a positive impact on employment activity compared to current use.

g. Character of areas recognized for architectural or historic value;

N/A.

h. Shoreline view, public access, and recreation.

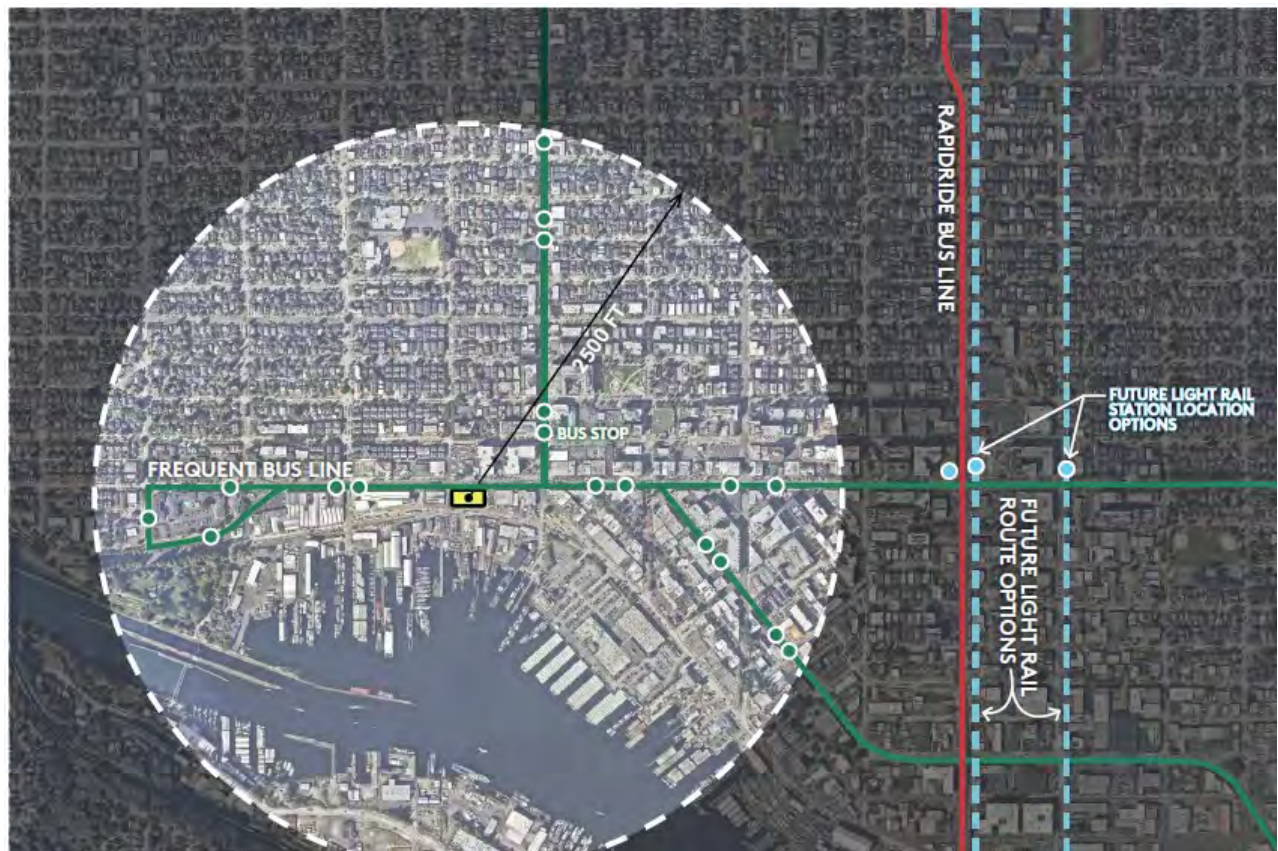
N/A. The Project is not within the City's shoreline designation and will not interfere with any public access or recreational activities within the vicinity.

2. Service capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

- a. Street access to the area;**
- b. Street capacity in the area;**
- c. Transit service;**
- d. Parking capacity;**
- e. Utility and sewer capacity;**
- f. Shoreline navigation.**

The Project demands on service capacities can reasonably be anticipated in the Ballard Hub Urban Village and access can reasonably be provided to the necessary utility and sewer capacity. The Project will provide on-site parking and is located within 2500 feet of frequent transit options and within ½ mile of a future light rail station. See Map B below. The project has obtained confirmation that adequate water, sewer, transit, storm water, and electrical services exist to serve the proposed project. The Preliminary Assessment Report is part of the MUP record reflecting these adequacies. The Project will not impact shoreline navigation.

MAP B – TRANSIT CONTEXT



- G. Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this Chapter 23.34.

The Rezone reflects changed conditions in the gradual urbanization of the Ballard Hub Urban Village especially along Market Street since the last time the zoning for the industrial section of the Property was addressed. The development of the Mark24 residential project to the east reflects the shifting nature of the residential and mixed-use development to the east. The completion of the Nordic Museum to the west demonstrates the emerging institutional and recreational nature of the industrial areas to the west. The Rezone will implement the changed conditions in the land use patterns.

- H. Overlay districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

N/A. The Project is not within an overlay district.

- I. **Critical areas.** If the area is located in or adjacent to a critical area (Chapter 25.09), the effect of the rezone on the critical area shall be considered.

N/A. The Project is not located in or adjacent to a critical area on the City's maps.

SMC 23.34.009 Height limits of the proposed rezone

If a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

- A. **Function of the zone.** Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

An NC3-P 75 designation is the most appropriate for the Property. The functional and criteria of the of the NC3 zone is provided below followed. Further below please find the criteria for the other commercial zones and our response as to why those zones are less appropriate for the Property.

- B. **Topography of the area and its surroundings.** Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

An NC3-P 75 designation is the most appropriate for the Property. There are no topographical features in the vicinity that make the Rezone inappropriate. The Rezone will regularize the zoning between the split zoned parcel. The Industrial Commercial zoning to the west is of a similar height and bulk. There is limited likelihood of view blockage from the public right of way in the vicinity.

See Map A for more detail.

- C. **Height and scale of the area**

1. The height limits established by current zoning in the area shall be given consideration.

An NC3-P 75 designation is the most appropriate for the Property. The Rezone will regularize the zoning between the split zoned parcel with NC3-P 75 zoning. The Industrial Commercial zoning to the west is of a similar height and bulk. There is limited likelihood of view blockage from the public right of way in the vicinity. The zoning to the north and Market Street provides an appropriate transition on height and bulk. See Map A for more detail about the surrounding context.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

See answer to C.1. above.

D. Compatibility with surrounding area

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

See answer to C.1. above.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection 23.34.008.D.2, are present.

See answer to C.1. above.

E. Neighborhood plans

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.
2. Neighborhood plans adopted or amended by the City Council after January 1, 1995, may require height limits different than those that would otherwise be established pursuant to the provisions of this Section 23.34.009 and Section 23.34.008.

The applicable Neighborhood Plan policies do not specifically address height limits.

SMC 23.34.072 Designation of commercial zones.

- A. The encroachment of commercial development into residential areas shall be discouraged.

The Rezone does not result in encroachment into residential areas.

- B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.

N/A.

- C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.

N/A.

- D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

The Rezone would support the success of the compact, concentrated Ballard Hub Urban Village.

- E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

The Rezone would support the preservation and improvement of the Ballard Hub Urban Village.

SMC 23.34.074 Neighborhood Commercial 1 (NC1) zones, function and locational criteria.

- A. Function. To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:
1. A variety of small neighborhood-serving businesses;
 2. Continuous storefronts built to the front lot line;
 3. An atmosphere attractive to pedestrians;
 4. Shoppers walk from store to store.
- B. Locational Criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:
1. Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;

Not met because Property is located in the Ballard Hub Urban Village.

2. Located on streets with limited capacity, such as collector arterials;

Not met because Project is located on Market, which is a principal arterial.

3. No physical edges to buffer the residential areas;

Project is buffered from residential uses by Market Street and intervening zoning.

4. Small parcel sizes;

Not met because the Property is over 0.5 acre in size.

5. Limited transit service.

Not met because the Property is well served by transit. See Map B.

A rezone to NC1 is not the most appropriate zoning relationship for the Property due to the location inside the Urban Village on the primary arterial and the Site's proximity to transit. The Rezone provides for high density housing while balancing impacts to adjacent industrial use and anticipates future development along NW Market Street (250 units/acre). NC1 zoning does not take full advantage of the parcel and would not provide the appropriate housing productivity on an urban parcel. Half of the Property is currently zoned NC3-75 (M). NC1 is not an appropriate zone.

SMC 23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria.

- A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:

1. A variety of small to medium-sized neighborhood-serving businesses;
 2. Continuous storefronts built to the front lot line;
 3. An atmosphere attractive to pedestrians;
 4. Shoppers can drive to the area, but walk from store to store.
- B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:
1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;

Not met because the Property is on primary business street on Hub Urban Village.

2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;

Not met because Market Street is a major transportation corridor in Ballard.

3. Lack of strong edges to buffer the residential areas;

Project is buffered from residential uses by Market Street and intervening zoning.

4. A mix of small and medium sized parcels;

Not met because the Property and vicinity is mostly large contiguous parcels.

5. Limited or moderate transit service.

Not met because the Property is well served by transit. See Map B.

A rezone to NC-2 is not the most appropriate zoning relationship for the Property due to the location inside the Urban Village on the primary arterial and the Site's proximity to transit. The Rezone provides for high density housing while balancing impacts to adjacent industrial use and anticipates future development along NW Market Street (250 units/acre). NC2 zoning does not maximize development of the parcel in a fashion compatible with current land use patterns and the neighborhood plan and would not provide the appropriate housing productivity on this site. Half of the Property currently zoned NC3-75 (M); A rezone to NC2 zoning is not an appropriate zone here.

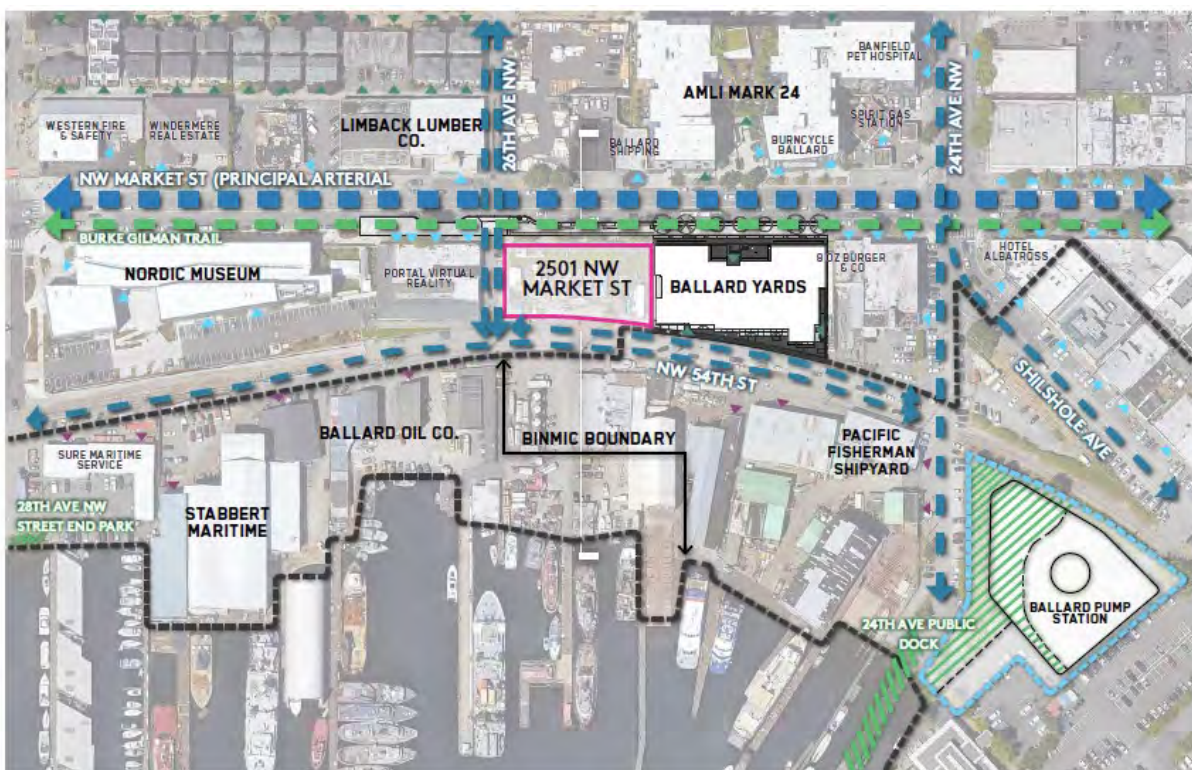
SMC 23.34.078 Neighborhood Commercial 3 (NC3) zones, function and locational criteria.

- A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:
1. A variety of sizes and types of retail and other commercial businesses at street level;
 2. Continuous storefronts or residences built to the front lot line;
 3. Intense pedestrian activity;

4. Shoppers can drive to the area, but walk around from store to store;
 5. Transit is an important means of access.
- B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:
1. The primary business district in an urban center or hub urban village;
Met because the property is on Market Street corridor in the Ballard Hub Urban Village.
 2. Served by principal arterial;
Met as Property is abutting Market Street. See Map B.
 3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;
Met because Property is separated from single family residential zoning by nearly ¼ mile and buffered by a principal arterial street and intervening commercial, industrial and lowrise residential zoning.
 4. Excellent transit service.
Met because the Property is well served by transit. See Map B.

The Rezone to NC3-75 on the western portion is the most appropriate zone for the Property. The Rezone would allow for consistent zoning across the entire site results in the Project that is consistent with the type and scale of development intended for the NC3 zone. The Project includes neighborhood retail spaces built to the front lot line, an atmosphere attractive to the pedestrians, and encourages walking from store to store along Market Street NW. See Map C.

MAP C – REZONE CONTEXT

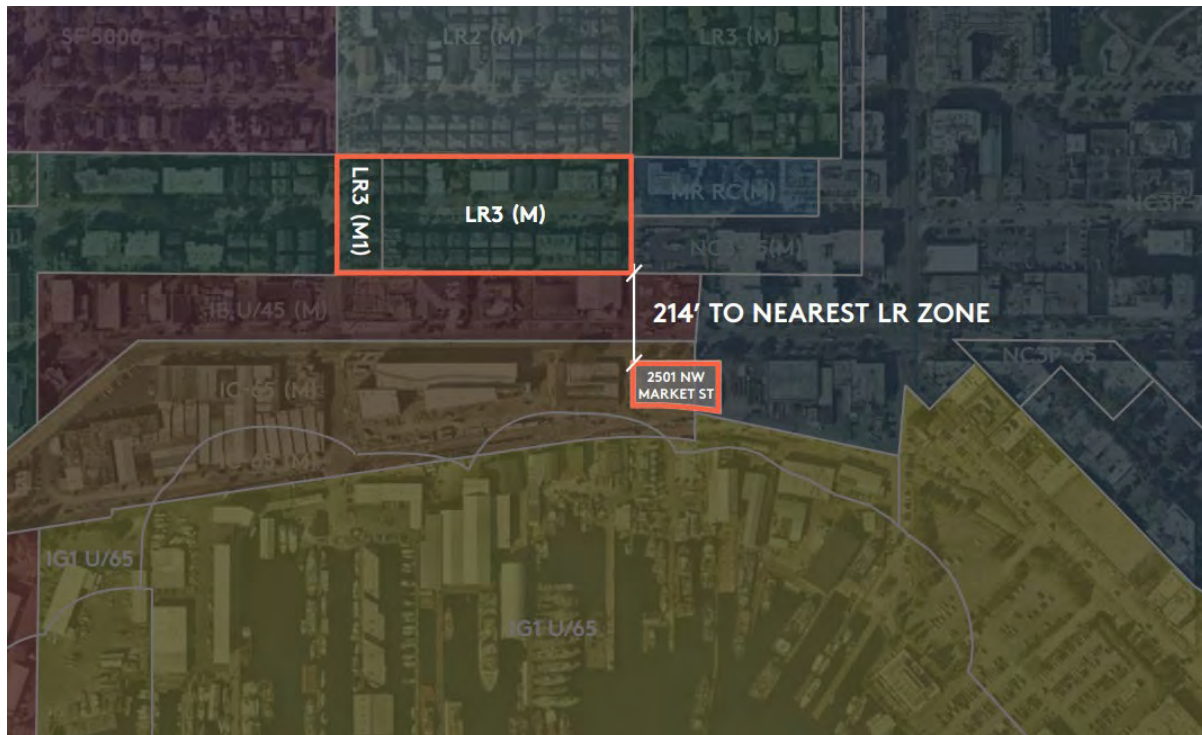


The 75-foot height limit allows for multifamily housing and street-level retail, preferred uses, that will support the neighborhood commercial district. Approximately 110-120 units of housing are proposed (250 units/acre), which further supports the goal of the Comprehensive Plan to increase residential density in Seattle's urban villages. Increased residential density will foster pedestrian activity along NW Market Street, and in Ballard generally. The Project will provide space for parking on two partial below grade levels in order to mitigate the parking impact in the vicinity.

The Rezone does not displace a preferred use but instead replaces an undeveloped lot used for outdoor storage that detracts from the vibrancy of the neighborhood. Per the Neighborhood Plan, a mixed-use building in the form of the proposal is desired by the neighborhood in this location, is compatible with the goals of the city, and intensifies use of land in the Ballard Hub Urban village. Notably, the Applicant presented the Rezone design to the Northwest Design Review Board for early design guidance on May 17, 2021. The Board indicated its support for the Project's massing concept because it expressed the "surrounding industrial and traditional commercial character through a simple contrasting material palette." EDG Board Report, Dated May 17, 2021, pg. 4. The Board also noted that the Rezone concept successfully addressed the surrounding context.

This transition is especially responsive to the residential uses to the north as shown in Map D below. The Rezone provides a graceful and gradual transition to the nearest residential uses and will not adversely impact the perception of height, bulk and scale from the lower-density residential zones, especially considering the physical and geographic separation from the Property and the nearest single-family zoned areas to the west that is separated by nearly ¼ mile as the crow flies. The Project – if approved – will be virtually imperceptible from those single-family residential areas.

MAP D – RELATIONSHIP TO LR/SF-5000 ZONING



The Applicant appreciates the Board's positive feedback on the Project's early design massing and believe that it supports the determination that a consistent NC3-P 75 zoning is the appropriate contextual zoning for the Property given the surrounding zoning relationships in the vicinity.

SMC 23.34.080 Commercial 1 (C1) zones, function and locational criteria.

- A. Function. To provide for an auto-oriented, primarily retail/service commercial area that serves surrounding neighborhoods and the larger community, citywide, or regional clientele.
- B. Locational Criteria. A Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of urban centers and urban villages or, within urban centers or urban villages, having a C1 designation and either abutting a state highway, or in use as a shopping mall;

Not met. No C1 designations or state highways/malls within the vicinity.

2. Retail activity in existing commercial areas;

Partially met because there is retail activity in the vicinity but not best match.

3. Readily accessible from a principal arterial;

Met because of access from Market.

4. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

Not met.

5. Predominance of parcels of 20,000 square feet or larger;

Large parcels are not "predominant" in the vicinity.

6. Limited pedestrian and transit access.

Not met given the strength of transit and pedestrian access in vicinity.

A rezone to C-1 is not the most appropriate zoning relationship for the Property due to lack of proximity to C-1 zone areas and the lack of commercial activity within the immediate vicinity. Additionally, C-1 zoning is not appropriate due to the multi-modal transit options within close proximity to the Property which provide excellent transit access. An auto oriented development isn't consistent with the goals of the district. The Rezone provides for high density housing while balancing impacts to adjacent industrial use and anticipates future development along NW Market Street (250 units/acre). C1 zoning does not maximize development of the parcel in a fashion compatible with current land use patterns and the neighborhood plan and would not provide the appropriate housing productivity that the district so desperately needs. Half of the Property is currently zoned NC3-75 (M). A rezone to C1 commercial zoning is not the most appropriate here.

SMC 23.34.082 Commercial 2 (C2) zones, function and locational criteria.

- A. Function. To provide for an auto-oriented, primarily non-retail commercial area that provides a wide range of commercial activities serving a community, citywide, or

regional function, including uses such as manufacturing and warehousing that are less appropriate in more-retail-oriented commercial areas.

B. Locational Criteria. A Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of urban centers and urban villages or, within urban centers or urban villages, having a C2 designation and abutting a state highway;

Not met. No C2 designations in the vicinity and Property does not abut a state highway.

2. Existing commercial areas characterized by heavy, non-retail commercial activity;

Not met. Not an area with non-retail commercial activity.

3. Readily accessible from a principal arterial;

Met because of access from Market.

4. Possibly adjacent to manufacturing/industrial zones;

Met because of adjacency with BINMIC.

5. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

Not met as the street layout is regularized to the north.

6. Predominance of parcels of 30,000 square feet or larger;

Not met.

7. Limited pedestrian and transit access.

Not met given the strength of transit and pedestrian access in vicinity.

A rezone to C-2 is not the most appropriate zoning relationship for the Property due to lack of proximity to C-2 zone areas and the lack of commercial activity within the immediate vicinity. Additionally, C-2 zoning is not appropriate due to the multi-modal transit options within close proximity to the Property which provide excellent transit access. Lastly, there is not a predominance of parcels of 30,000 sf. or larger within the vicinity. Automobile centric zoning is inconsistent with the goals for development within the Ballard Hub Urban Village. The Rezone provides for high density housing while balancing impacts to adjacent industrial use and anticipates future development along NW Market Street (250 units/acre). C2 zoning is not compatible with current land use patterns and the neighborhood plan, and would not provide the appropriate housing productivity prioritized for this district. Half of the subject site is currently zoned NC3-75 (M). A rezone to C2 commercial zoning is not the most appropriate here.

SMC 23.34.086 Pedestrian designation (suffix P), function and locational criteria

A. Function. To preserve or encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored, and the following characteristics can be achieved:

1. A variety of retail/service activities along the street front;
2. Large number of shops and services per block;
3. Commercial frontage uninterrupted by housing or auto-oriented uses;
4. Pedestrian interest and activity;

5. Minimal pedestrian-auto conflicts.
- B. Locational criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:
 1. Pedestrian district surrounded by residential areas or major activity centers; or a commercial node in an urban center or urban village;
Met because residential areas with P-designation to the east and the major activity center of the Nordic Museum to the west along with the vicinity location to pedestrian amenities.
 2. NC zoned areas on both sides of an arterial, or NC zoned block fronts across an arterial from a park, major institution, or other activity center; and
Met. NC zoned areas of Market are within the vicinity to the east.
 3. Excellent access for pedestrians, transit, and bicyclists.
Met. See Map B and C for transit access and vicinity amenities.

The proposed zoning designation, NC3-75 (M) complements the existing zoning, the development patterns, and the goals of the Ballard design guidelines to create pedestrian oriented sidewalks along NW Market, extending from the Ballard Avenue Landmark Area, west to the Nordic Museum.

SMC 23.34.090 Designation of industrial zones.

- A. The industrial zones are intended to support existing industrial activity and related businesses and provide for new industrial development, as well as increased employment opportunities.
- B. Industrial areas are generally well-served by rail, truck and water transportation facilities and do not require direct vehicular access through residential zones.
- C. Relative isolation from residential zones either by distance or physical buffers shall be preferred in the creation of new industrial zones.
- D. Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, are preferred to accommodate an industrial designation.
- E. 1. Economic Development. Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms in Seattle, or increased employment, especially employment that adds to or maintains the diversity of job opportunities in Seattle. Land proposed to be assigned an industrial designation shall be suitable for manufacturing, research and development and other industrial uses and shall meet the locational criteria for the industrial zone.
 2. The rezone shall enhance and strengthen the industrial character of an area.
- F. In determining appropriate boundaries with residentially and commercially zoned land, the appropriate location and rezone criteria shall be considered.
- G. Rezoning of Industrial Land. Rezoning of industrial land to a less-intensive zone shall be discouraged unless most of the following can be shown:
 1. The area does not meet the locational criteria for the industrial zone.

The Property's location within the Ballard Hub Urban Village makes it inappropriate for an IC-65 designation. Since the Property is split zoned, it also has remained undeveloped and is unlikely to support new industrial development. The industrial zone designation criteria are addressed below.

2. **The rezone will not decrease industrial development and employment potential, especially manufacturing employment.**

The western portion of the Property is currently occupied by an accessory outdoor storage use.

According to the current Property owner, the Property has not been in industrial uses for over 100 years and does not support any industrial or manufacturing employment. The Rezone would not decrease the industrial development and employment potential.

3. **The rezone would not result in existing industrial uses becoming nonconforming.**

N/A. The Property is vacant and not being used for industrial use.

4. **The area clearly functions as a residential or commercial zone, has little or no potential for industrial development, and would not lead to further encroachment of residential, office, or retail uses into industrially zoned land located adjacent to or near the proposed rezone.**

The Rezone is limited to the Property and will not extend further than clarifying the split zone. The Property is not inside the BINMIC; instead, it is located in the Ballard Hub Urban Village. The Rezone would not lead to further encroachment into the BINMIC. The properties immediately adjacent to the east are developed with multifamily and commercial uses and the industrial zoned areas to the west are developed with the Nordic Museum, an institutional use. The industrial uses to the south are separated by right of way and are located within the BINMIC so there is limited likelihood of encroachment. The Rezone would not adversely impact the existing BINMIC uses.

5. **The rezone shall be consistent with the Seattle Shoreline Master Program.**

The Rezone is not within the City's shoreline designation, so the SMP is inapplicable here.

6. **The area is not part of an adopted Manufacturing/Industrial Center (MIC).**

The Property is not located within the BINMIC.

- H. **Compatibility With Scale and Character of Surrounding Area-Edges.** In general, a transition in scale and character shall be provided between zones. A gradual change in height limit or an area of transition (e.g., commercial zone between residential and industrial zones) shall be provided when the area lacks physical edges. Rezones shall achieve a better separation between residential and industrial zones, significantly reducing or eliminating major land use conflicts in the area. The following elements shall be considered physical edges or buffers:

1. **Natural features such as topographic breaks, lakes, streams, ravines and shorelines;**

N/A

2. **Freeways, expressways, other major traffic arterials, and railroad tracks;**

The Rezone is buffered from residential uses by Market Street and intervening commercial and industrial zoned areas that provides over ¼ mile buffer.

3. **Changes in street layout and block orientation;**

N/A

4. Open spaces and greenspaces.

The Project steps down on the west half of the site in order to transition to the scale of buildings on neighboring sites to the west. The proposed development is setback along NW 54th Street to provide a buffer from existing industrial uses. The proposed development will provide a ROW dedication along 26th to support freight access to and from neighboring industrial sites.

- I. **Existing Pattern of Development.** Consideration shall be given to whether the area is primarily industrial, commercial, residential, or a mix, and whether the area is fully developed and in need of room for expansion, or minimally developed with vacant parcels and structures.

The site is located within the Ballard Hub urban village, along the edge of the BINMIC area. Half of the site is currently zoned NC3-75, as are sites located to the east along NW Market Street. The Rezone is consistent with recent patterns of development in the Ballard Hub Urban Village and the character of development occurring along this section of the Market Street corridor. The Property is minimally developed and redevelopment under the Rezone supports the City's housing goals.

SMC 23.34.092 General Industrial 1 (IG1) zone, function and locational criteria.

- A. **Function.** An area that provides opportunities for manufacturing and industrial uses and related activity, where these activities are already established and viable, and their accessibility by rail and/or waterway make them a specialized and limited land resource.
- B. **Locational Criteria.** General Industrial 1 zone designation is most appropriate in areas generally characterized by the following:
 1. Areas directly related to the shoreline having the following characteristics:
 - a. Suitable water access for marine industrial activity,
 - b. Upland property of sufficient depth to accommodate industrial activity,
 - c. An existing character established by industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;

Not met. The Property is not directly related to the shoreline or provides water access.

2. Areas directly related to major rail lines serving industrial businesses;

Not met. The Property is not directly related to major rail lines.

3. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities;

Not met. The Property is surrounded by residential and institutional uses along Market.

4. Large areas with generally flat topography;

The Property is surrounded by large areas with generally flat topography.

5. Areas platted into large parcels of land.

The Property is in an area of mixed large and medium sized parcels of land.

The Property's location within the Ballard Hub Urban Village makes it inappropriate for an IG-1 designation. The Property is not water-adjacent and does not provide support for maritime activity. The Property is not directly related or adjacent to rail access. The Property has not been actively used for an industrial use for decades. Since the Property is split zoned, it also has remained undeveloped and is unlikely to support new industrial development.

SMC 23.34.093 General Industrial 2 (IG2) zone, function and locational criteria.

- A. Function. An area with existing industrial uses, that provides space for new industrial development and accommodates a broad mix of activity, including additional commercial development, when such activity improves employment opportunities and the physical conditions of the area without conflicting with industrial activity.
- B. Locational Criteria. General Industrial 2 zone designation is most appropriate in areas generally characterized by the following:
 - 1. Areas that are developed with industrial activity or a mix of industrial activity and a wide range of commercial uses;

Not met. The Property is surrounded by residential and institutional uses along Market Street. It has been vacant for over 100 years according to the owner and does not support industrial uses.

- 2. Areas where facilities, such as the Kingdome or Design Center, have established a more commercial character for the surroundings and have created the need for a broader mix of support uses;

Not met.

- 3. Areas with adequate access to the existing and planned neighborhood transportation network; where additional trips generated by increased commercial densities can be accommodated without conflicting with the access and circulation needs of industrial activity;

The Property has adequate access to the Ballard transportation network.

- 4. Areas where increased commercial densities would allow the economic reuse of small sites and existing buildings no longer suited to current industrial needs;

N/A.

- 5. Areas that, because of their size and isolation from a larger industrial area due to separation by another type of zone or major physical barrier, such as an arterial or waterway, can accommodate more nonindustrial activity without conflicting with the industrial function of the larger industrial area;

N/A.

- 6. Large areas with generally flat topography;

The Property is surrounded by large areas with generally flat topography.

- 7. Areas platted into large parcels of land.

The Property is in an area of mixed large and medium sized parcels of land.

The Property's location within the Ballard Hub Urban Village makes it inappropriate for an IG-2 designation for the reasons discussed in the IG-1 section. The proposed development continues expansion of the Ballard Hub urban village toward the west but does not encroach on existing industrial use. This site has been vacant for a century or more, used only for lay-down storage.

SMC 23.34.094 Industrial Buffer (IB) zone, function and locational criteria.

- A. Function. An area that provides an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or pedestrian character.
- B. Locational Criteria. Industrial Buffer zone designation is most appropriate in areas generally characterized by the following:
 - 1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC).
 - 2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.

Not met. The Property is in the Ballard Hub Urban Village and is not in an area where additional transition is needed to the NC3 area to the east.

- C. Zone Boundaries. The boundaries and overall depth of the Industrial Buffer (IB) zone shall vary according to the specific conditions of each area, so that an adequate separation between industrial activity and less-intensive zones can be provided to reduce through traffic, noise, visual conflicts, and other impacts of industrial development. However, where there are no special features or other conditions to provide sufficient buffer depth, a distance ranging from three hundred (300) to five hundred (500) feet shall be maintained as a buffer. Within an industrial area, the following conditions help establish the transition desired between industrial areas and less-intensive zones and should be considered in establishing boundaries separating the Industrial Buffer zone from the rest of the industrial area:
 - 1. Topographic Conditions. Significant changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.
 - 2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.
 - 3. Grid and Platting Patterns. Changes in block sizes, shifts in the street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.

4. **Special Features.** Certain natural or built features such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone

The Property's location within the Ballard Hub Urban Village makes it inappropriate for an IB designation for the reasons discussed in the IG-1 section. The location is most appropriate for the development of a mixed-use commercial development that supports the goals and patterns of development in the vicinity. Since the site is currently split zoned, it is unlikely to undergo development as an industrial use.

SMC 23.34.096 Locational criteria—Industrial Commercial (IC) zone.

The Industrial Commercial (IC) zone is intended to promote development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research and development, while accommodating a wide range of other employment activities. In reviewing a proposal to rezone an area to Industrial Commercial (IC), the following criteria shall be considered:

- A. Areas with amenities such as shoreline views, proximity to downtown, or access to public open spaces that could provide an attraction for new businesses, particularly new technology-oriented and research and development activities which might otherwise be likely to seek locations outside the City;

N/A. The Property is not in an area with amenities such as shoreline views or access to public open spaces and is not within proximity to Downtown. The size of the Property does not lend itself to recruitment of R&D or technology businesses that seek a campus environment.

- B. Areas in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses;

N/A. The Property is not near any major institutions that support R&D and tech businesses. We note that the Ballard Alliance, which advocates for current and new businesses in Ballard, has indicated their support for the Rezone. The Ballard Alliance's support is a good indicator that the Property is not a target location for R&D or tech office.

- C. Former industrial areas which are undergoing a transition to predominantly commercial or mixed commercial and industrial activity, but where transportation and/or other infrastructure capacities are constrained and can only accommodate modest growth without major improvements;

N/A.

- D. Areas where there is an existing concentration of technology-oriented and research and development uses which may be subject to displacement by commercial development;

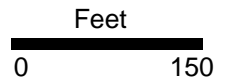
N/A.

- E. Areas which are underutilized and, through substantial redevelopment, could provide the type of campus-like environment attractive for new technology-oriented industrial and commercial development.

N/A.

The Property's location within the Ballard Hub Urban Village makes it inappropriate for an IC designation for the reasons discussed in the IG-1 section. The site's location within the Ballard Hub urban village and its close proximity to existing and future mass-transit, support the development objective of providing high-density housing (250 units/acre). The site is currently split zoned, the eastern half of the site currently designated NC3-75 (M). The IC zoning is not appropriate here.

17. Provide six copies of scale drawings with all dimensions shown that include, at a minimum, existing site conditions, right- of-way information, easements, vicinity map, and legal description. See SMC 23.76.040.D, Application for Council Land Use Decisions for other application materials that may be pertinent. Plans must be accompanied by Seattle DCI plans cover sheet



Seattle Department of Construction and Inspections is reviewing

NEW 8-STORY APARTMENT BUILDING

Project:
3037590-LU

What is it?

- Units: 112
- Parking: 61

Required Approvals:

- Environmental Review
- Council Action, Contract Rezone
- Design Review

2501 NW MARKET ST

Sign company
Insert Map Here

Submit comments to:

- Email: PRC@seattle.gov
- Mail: SDCI/PRC, P.O. Box 34019
Seattle, WA 98124-4019

More Information:

- Online: Enter project number **3037590-LU**
at maps.seattle.gov/shapingseattle/buildings
- Phone: (206) 684-8467 (message line)

Insert project photo here

Include the project number and address.

(The comment period may be extended by written request prior to the date below. The comment period for Shoreline applications cannot be extended)

Submit comments by _____.

* All comments are posted on our website in their entirety.



Representation only; approved project may vary.



DECISIONS & RECOMMENDATION OF THE SEATTLE DEPARTMENT OF CONSTRUCTION & INSPECTION & CITY OF SEATTLE HEARING EXAMINER PUBLIC HEARING

Area: North/Northwest
Address: 2501 NW Market Street
Project: 3037590-LU
C. F. Number: 314470
Zone: Industrial-Commercial [IC-65 (M)]

Applicant Contact: Jodi Patterson-O'Hare – (425)-681-4718
SDCI Planner: Greg Johnson – (206) 727-8736

The Director of the Seattle Department of Construction and Inspections (SDCI) has issued decisions and recommendations regarding the following project:

Council Land Use Action to rezone a parcel of land from IC-65 (M) (Industrial Commercial) to NC3P-75 (M) (Neighborhood Commercial-3 with a Pedestrian Designation). Project includes construction of an 8-story, 107-unit apartment building with 3 live/work units and retail. Parking for 67 vehicles proposed. Early Design Guidance conducted under 3037522-EG.

Copies of the Director's decision and recommendation, the project application materials and plans are available in SDCI's online Permit and Property Records [Seattle Services Portal](https://cosaccela.seattle.gov/portal/welcome.aspx) (<https://cosaccela.seattle.gov/portal/welcome.aspx>). Questions may be directed to Greg Johnson, (206) 727-8736, Greg.Johnson@seattle.gov.

ENVIRONMENTAL DETERMINATIONS

The Director has determined that the proposed project is not likely to result in significant, adverse environmental impacts and has issued a **Determination of Non-Significance (DNS)**. See report for recommended conditions.

DECISIONS APPEALABLE TO THE SEATTLE HEARING EXAMINER

The decisions to **conditionally approve** Design Review and to issue a Determination of Non-Significance are appealable to the Seattle Hearing Examiner. The condition is (see decision for full details):

- 1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting.

HOW TO APPEAL THE DIRECTOR'S FINDINGS AND DECISION

Appeals of the Director's Decision must be received by the Hearing Examiner no later than 5:00 p.m., **January 19, 2023**.

Appeals may be filed online at www.seattle.gov/examiner/efile.htm, delivered in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or mailed to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729. (Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.) An appeal form is available at <http://www.seattle.gov/hearing-examiner/citations/public-guide-and-forms>

Appeals must be accompanied by an \$85.00 filing fee. The fee may be paid by check payable to the City of Seattle, by credit/debit card (Visa and MasterCard only) in person or by telephone at 206-684-0521. (The Hearing Examiner may waive the appeal fee if the person filing the appeal demonstrates that payment would cause financial hardship.)

The Hearing Examiner Rules and "Public Guide to Appeals and Hearings Before the Hearing Examiner" are available at www.seattle.gov/examiner/guide-toc.htm.

DIRECTOR'S RECOMMENDATION

The Director recommends that the Seattle City Council **approve the rezone with conditions**. See report for conditions.

VIRTUAL PUBLIC HEARING

A virtual public hearing on the Director's recommendation on this application will be held on January 31, 2023, at 10:00 a.m. Any request for further consideration will be heard at this time.

Any appeal of the Director's decision to conditionally approve Design Review and issue a DNS will be heard at this hearing.

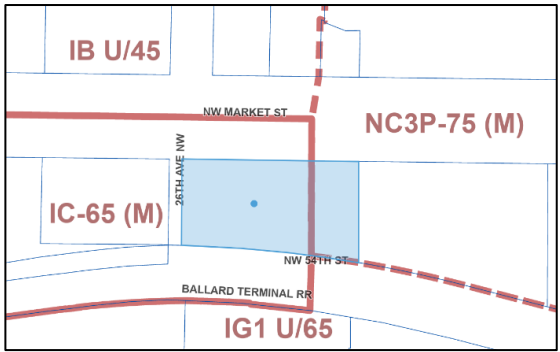
Topic: CF-314470-LU (Selig)	Dial by your location	+1 312 626 6799 US (Chicago)
Time: Jan 31, 2023 10:00 AM Pacific	+1 253 205 0468 US	+1 360 209 5623 US
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WRITTEN COMMENTS

Written comments will be accepted until the close of the hearing scheduled for January 31, 2023, at 10:00 a.m. Comments should be sent to:

City of Seattle
Hearing Examiner
700 5th Avenue, Suite 4000
P.O. Box 94729
Seattle, WA 98124-4729

Those persons who want to receive a copy of the Hearing Examiner's recommendation should specify that request in their comment letter.



The top of this image is north.
This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.



**CITY OF SEATTLE
ANALYSIS, DECISION AND RECOMMENDATION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Project Number: 3037590-LU
Applicant Name: Jodi Patterson-O'Hare
Address of Proposal: 2501 NW Market Street
Clerk File Number: 314470

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone a parcel of land from IC-65 (M) (Industrial Commercial) to NC3P-75 (M) (Neighborhood Commercial-3 with a Pedestrian Designation). Project includes construction of an 8-story, 107-unit apartment building with 3 live/work units and retail. Parking for 67 vehicles proposed. Early Design Guidance conducted under 3037522-EG.

The following approvals are required:

- I. Design Review with Departures (Seattle Municipal Code 23.41)***
**Departures are listed near the end of the Design Review Analysis in this document*
- II. Contract Rezone (Seattle Municipal Code 23.34):** From Industrial-General [IC-65 (M)] to Neighborhood Commercial 3 [NC3P-75 (M)]
- III. SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05):**
Substantive SEPA Review/Conditioning: Recommendation to City Council

SEPA DETERMINATION

Determination of Non-Significance (DNS)

- ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the Director recommends to City Council that the proposal be conditioned to mitigate environmental impacts.

BACKGROUND

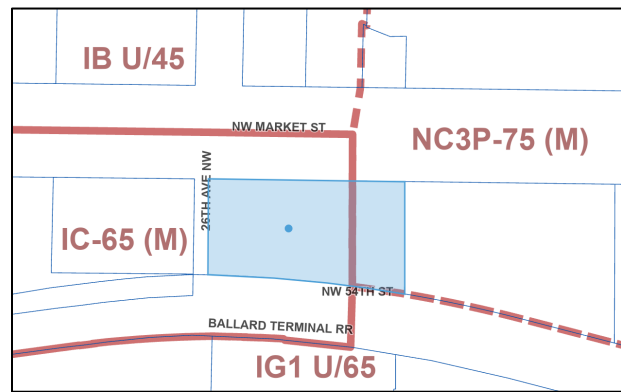
The site was granted a right-of-way improvement exception to reduce the required right-of-way dedication along 26th Avenue NW to the west of the site. An 18.5-foot dedication was required. The approved right-of-way exception (6862526-EX) allows for the dedication of 14 feet of right-of-way.

SITE AND VICINITY

Site Zone: Industrial-Commercial with a 65 foot height limit and MHA suffix [IC-65 (M)] & Neighborhood Commercial 3 with a Pedestrian Overlay, 75 foot height limit and MHA suffix [NC3P-75 (M)]

Zoning Pattern:

(North) NC3P-75 (M) &
Industrial Buffer U/45 [IB U/45]
(South) General Industrial 1
U/65 [IG1 U/65]
(East) NC3P-75 (M)
(West) IC-65 (M)



The top of this image is North. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

The site is located at a transition point in zoning along NW Market Street. Neighborhood Commercial zoning is present on the eastern quarter of the site and on the blocks to the east of the site. Industrial zoning is present on the western three-quarters of the site and on the blocks to the west. To the north of the site, zoning transitions from industrial and commercial zoning along NW Market Street to multi-family zoning.

Environmentally Critical Areas: There are no mapped ECAs on the site.

Current and Surrounding Development; Neighborhood Character; Access:

The subject site is located in the Ballard Hub Urban Village and is surrounded by public streets on three sides with NW Market Street to the north, NW 54th Street to the south, and 26th Avenue NW to the west. The Burke-Gilman Trail runs along the north side of the site within the NW Market Street right-of-way. A functioning railroad spur is located on the south side of the NW 54th Street right-of-way, opposite the site. Recent development in the vicinity includes a 6-story mixed use development located across NW Market Street to the north and a 7-story mixed-use development to the east. A shipyard is located to the south of the site. One-story commercial buildings are located across 26th Avenue NW to the west, separating the site from the Nordic Heritage Museum, which is located approximately 300 feet to the west.

NW Market Street is a commercial corridor to the east and west of the site. To the east, the character of the NW Market Street and intersecting streets is generally a walkable commercial character that is experiencing some transition from existing 1-2 story buildings to recent development of taller mixed-use buildings. Three blocks to the east, the Ballard Ave Landmark District area maintains a traditional character established by the historic fabric. The character of NW Market Street transitions to a more car-oriented development style in the blocks to the west of the site, with lower density development and surface parking areas. The development character to the south of the site transitions quickly to maritime industrial uses related to shipping and warehouse uses located along Salmon Bay, which are generally characterized by simple 1-2 story warehouse and storage structures constructed using wood, metal, or brick. Beyond NW Market Street to the north, uses transition to lower density residential development.

Current vehicular access to the site is available along the NW 54th Street frontage. Sidewalks are currently present only along the NW Market Street frontage.

Public Comment

The public comment period ended on August 23, 2021. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to the proposed rezone, density, cultural resources, transportation/traffic, noise, and construction impacts. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and 25.05.

I. ANALYSIS – DESIGN REVIEW

The design packet includes information presented at the meeting, and is available online by entering the record number at this website:

<http://www.seattle.gov/DPD/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

Any recording of the Board meeting is available in the project file. This meeting report summarizes the meeting and is not a meeting transcript.

EARLY DESIGN GUIDANCE May 17, 2021

PUBLIC COMMENT

The following public comments were offered at this meeting:

- Supported a turning radius connecting 26th Avenue NW and NW 54th Street that is no larger than that currently shown in the packet
- Supported solid waste staging along NW 54th Street to avoid losing on-street parking spaces along 26th Avenue NW.
- Preferred Scheme 3 because it will best complement and enhance the character of NW Market Street.
- Preferred a flat parking level design that could be more-easily converted in the future to a non-parking use than a parking design with ramped floors.
- Supported outdoor restaurant space along the Burke-Gilman Trail.
- Supported Scheme 3 because it reflects Ballard's history with a modern twist.
- Supported Scheme 3 due to its façade variation and good balance of design and functionality.
- Concerned about the development relationship to the southwest corner of the site and the possibility that the development would obscure visibility to the Nordic Museum.
- Concerned about the impact on traffic flow of parking and solid waste collection on 26th Avenue NW.

SDCI staff received the following public comments in writing prior to the meeting.

The Seattle Department of Transportation offered the following comments:

- Unsupportive of the proposed dumpster staging in the ROW on 26th Ave NW.
- Stated the frontage requirements on 26th Ave NW are a 6" curb, minimum 5.5' planting strip with street trees, and minimum 6' sidewalk along the full frontage.

- Stated the frontage requirements along NW 54th St are a 6" curb, 5.5' planting strip with street trees, and minimum 6' sidewalk.
- Presented the option of a sidewalk at the curb along NW 54th St with a minimum 5' setback behind the walk for street trees.

Seattle Public Utilities – Solid Waste Division offered the following comments:

- Unsupportive of the proposed dumpster staging in the right-of-way on 26th Ave NW or within the right-of-way on NW 54th Street.
- Supportive of on-site solid waste collection.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number 3037522-EG: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

1. Massing:

- a. The Board expressed support for Scheme 3 over the other two massing schemes due to the strength of its simple complementary massing forms and the compatibility of the massing to the concept which expresses the surrounding industrial and traditional commercial character through a simple contrasting material palette (CS3-A-1. Fitting Old and New Together, CS3-B-1. Placemaking, DC2-B-1. Façade Composition, DC2-C-3. Fit with Neighboring Buildings, *Ballard* DC4-1-a-1. Exterior Finish Materials).
- b. The shorter base height on the western side of the design was identified by the Board as an asset of Scheme 3 that allows a strong height transition to the lower building heights to the west, including the Nordic Museum, and to the three street frontages adjacent to the west side of the building (*Ballard* CS2-1-a. Character Core, CS2-D-4. Massing Choices, CS3-A-1. Fitting Old and New Together, DC2-D-1. Human Scale, *Ballard* DC2-4-a. Legibility and Flexibility, DC2-A. Massing, DC2-C-3. Fit with Neighboring Buildings).
- c. The Board supported Scheme 3 as an appropriate massing design that incorporates the height and FAR allowances of the proposed NC3P-75 (M) zone while sufficiently addressing surrounding context. (*Ballard* CS2-1-a. Character Core, CS2-D. Height, Bulk, and Scale, DC2-A-2. Reducing Perceived Mass, *Ballard* DC4-1-a-6. Exterior Finish Materials).
- d. The Board discussed a variation of Scheme 3 presented by the applicant at the early design guidance meeting, which offered a taller base height on the west side of the

building. A majority of Board members preferred the shorter four-story base height shown in the packet compared to the taller five story base height in the character sketches. The Board supported the shorter base height due to its stronger height transition to the east and south and a stronger expression of the design concept compared to the taller base height (*Ballard* CS2-1-a. Character Core, CS2-A-2. Architectural Presence, CS2-D-4. Massing Choices, CS3-A-1. Fitting Old and New Together, DC2-C-3. Fit with Neighboring Buildings).

2. Concept and Materials:

- a. The Board supported the expression of the concept through use of brick and wood as primary materials whose transitions coincide with the massing shifts of Scheme 3. Additionally, the Board encouraged strengthening the legibility of the concept throughout the building design (*Ballard* CS2-1-a. Character Core, DC2-B-1. Façade Composition, DC2-C-1. Visual Depth and Interest, DC2-C-3. Fit with Neighboring Buildings, *Ballard* DC4-1-a-2. Exterior Finish Materials, DC4-A-1. Exterior Finish Materials).
- b. A majority of the Board members supported the use of brick as an exterior material and supported the use of a non-red brick color to better fit within the surrounding commercial and industrial character (CS3-A-3. Established Neighborhoods, DC2-C-3. Fit with Neighboring Buildings, DC2-D. Scale and Texture, *Ballard* DC4-1-a-2. Exterior Finish Materials).
- c. The Board supported the intent for façade depth shown in the character sketches presented at the early design guidance meeting, including the intended depth of residential decks and rigor in fenestration pattern (*Ballard* CS2-1-a. Character Core, DC2-C-1. Visual Depth and Interest, DC2-C-2. Dual Purpose Elements).
- d. The Board encouraged the applicant to develop the terrace spaces on top of the shorter western base to both strengthen the concept legibility and to serve as usable spaces (DC2-C-1. Visual Depth and Interest, DC2-C-2. Dual Purpose Elements, DC2-D. Scale and Texture, DC3-B-1. Meeting User Needs).

3. Streetscape:

- a. The Board supported the conceptual design of the building frontage onto NW Market Street frontage, which includes the Burke-Gilman Trail. The Board requested additional detail at the Recommendation phase showing the incorporation of various frontage areas intended for seating, landscaping, and bicycle/pedestrian movement. The Board cited the NW Market Street frontage of the Nordic Heritage Museum as a strong example of landscaping and lighting that could serve as a model for this site (*Ballard* CS2-1-a. Character Core, CS2-A-1. Sense of Place, CS2-B-2. Connection to the Street, *Ballard* PL4-1. Planning Ahead for Bicyclists, PL4-A. Entry Locations and Relationships).
- b. The Board requested additional detail at the Recommendation phase for the intended streetscape character along 26th Avenue NW and NW 54th Street. The design should demonstrate how active and pedestrian-scaled frontages will be continued along these frontages from the NW Market Street frontage. The Board encouraged the use of continuous active uses along the 26th Avenue NW frontage (*Ballard* CS2-3-b. Pedestrian-Oriented Retail at Corners, *Ballard* CS2-4-a. Corner Sites, CS2-B-2. Connection to the Street, *Ballard* CS2-1-a. Character Core, *Ballard* PL1-2-b.

Pedestrian Amenities, PL2-B. Security and Safety, PL4-A. Entry Locations and Relationships).

- c. The Board encouraged strong interaction between the commercial spaces and the NW Market Street frontage, and specifically identified the ground level space within the vertical notch as an important outdoor extension of the commercial spaces that should allow for a strong connection to the street frontage (*Ballard* CS2-3-a-1. Character Core, CS2-B-2. Connection to the Street, DC2-C-1. Visual Depth and Interest, DC2-C-2. Dual Purpose Elements)
- d. The Board encouraged the incorporation of flexibility into the design of the commercial spaces to allow for inclusion of tenants with various commercial space needs (DC1-A-3. Flexibility, PL2-B-3. Street-Level Transparency, *Ballard* PL3-4. Retail Edges, PL3-A. Entries, *Ballard* DC2-4-a Legibility and Flexibility, *Ballard* DC4-1-a-5. Exterior Finish Materials).
- e. The Board identified the need for additional development of the residential lobby to improve its interaction with the streetscape and its legibility as the residential entry (PL2-D-1. Wayfinding, PL3-A-2. Ensemble of Elements, *Ballard* DC2-4-a Legibility and Flexibility, DC2-E-1. Legibility and Flexibility).

4. Solid Waste/Site Access:

- a. The Board generally supported the placement of the parking garage entrance on NW 54th Street to coincide with the parking entrance of the adjacent Ballard Locks development and to minimize interruption of other street frontages with driveway access (*Ballard* DC1-1-a. Access Location and Design, DC1-C-1. Below-Grade Parking, DC1-C-2. Visual Impacts).
- b. In its discussion of solid waste storage/staging design, the Board prioritized the need for a design that is minimally-visible from public view and integrated into the design of the site and building. The Board expressed its general preference of a solid waste storage/staging area along NW 54th Street to coincide with the similar uses of the adjacent Ballard Locks project to the east, but stated that the location of the storage/staging area was secondary to the need for its integration into the overall design and minimized visibility. (DC1-C-4. Services Uses)
- c. The Board supported the proposal for residential units and stoops along NW 54th Street and the intent for residential ground-level interaction with industrial uses to the south. The Board cautioned that future placement of a driveway and solid waste storage area should not compromise the interaction of residential uses with the NW 54th Street frontage (CS2-A-1. Sense of Place, *Ballard* PL3-1-a. Residential Entries, *Ballard* PL3-2. Residential Edges, PL3-A-1-d. Entries, PL3-B-2. Ground-level Entries).

RECOMMENDATION March 7, 2022

PUBLIC COMMENT

The following public comments were offered at this meeting:

- Appreciated the modern building design and felt that it complemented the surrounding neighborhood.
- Supported the placement of commercial spaces on the first floor to improve the walkable design of the neighborhood.

- Supported the project design due to its use of scale-reducing techniques, use of high-quality materials, the design of the streetscape character, and the interaction of the commercial spaces to the NW Market Street frontage.
- Supported the project design to strengthen the walkable connection to the Nordic Museum.
- Supported the incorporation of outdoor space into the project design
- Supported the proposed building height relative to context.
- Supported the façade design and the link between the materials and the maritime industry.

SDCI staff also summarized design related comments received in writing prior to the meeting:

- Appreciated the ground-level retail uses along NW Market St.
- Observed the project design is in scale with many of the new buildings nearby.
- Acknowledged the design and materials are inspired by the historic and industrial architectural features of nearby buildings and are consistent with neighborhood context.
- Appreciated locating the garage entrance and refuse staging along NW 54th in response to community feedback.
- Recommended considering a Coast Salish design, similar to the Duwamish Longhouse and the UW Intellectual House, that incorporates communal gathering areas and Coast Salish art.
- Recommended using only native vegetation for landscaping, including trees, bushes, and low ground cover.

The following comments were received by the Seattle Department of Transportation:

- **NW Market St Frontage**
Please ensure that the proposed seating structure provides multiple passable, ADA accessible spaces between the trail and sidewalk for trail users, those who have parked at the curb, and delivery drivers who need to access the proposed development from the curb.
- **26th Ave NW Frontage**
The frontage requirements on 26th Ave NW are a 6" curb, minimum 5.5' planting strip with street trees, and minimum 6' sidewalk. A planting strip with street trees between the curb and sidewalk is not shown in the REC packet. These frontage elements serve to buffer pedestrians from vehicle traffic, provide a space outside the pedestrian realm for signage and amenities, and provide a more comfortable overall pedestrian experience for the active uses proposed at ground level. SDOT recommends the project include a planting strip with street trees between the curb and sidewalk.

SDCI received non-design related comments concerning the related to density, archeological investigation, traffic, noise, and the proposed rezone of the site.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the

environmental review conducted by SDCI and are not part of this review. Concerns with building height calculations and bicycle storage standards are addressed under the City's zoning code and are not part of this review.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number 3037590-LU: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following recommendations.

1. Massing:

- a. The Board recommended approval of the building massing refinement since EDG, citing strong relationships to context of the four-story base height on the west side of the building, which aids in the transition to lower building heights to the west, and the upper-façade setback on the east side of the NW Market Street façade, which transitions to height of the Ballard Yards development to the east (*Ballard* CS2-1-a. Character Core, CS2-A-2. Architectural Presence, CS2-D-1. Existing Development and Zoning, DC2-C-3. Fit with Neighboring Buildings).
- b. The Board recommended approval of ground-level massing insets on the NW Market Street façade to provide outdoor commercial spill-out spaces and added that the location and dimensions of these spaces will enhance street-level activity and enhance pedestrian activity. The Board specifically recommended approval of the depth of these spaces as dimensioned in the Recommendation packet (*Ballard* CS2-3-a-1. Character Core, CS2-B-2. Connection to the Street, DC2-C-1. Visual Depth and Interest, DC2-C-2. Dual Purpose Elements).
- c. The Board recommended approval of the location and scale of the residential entry inset area on the east side of the NW Market Street façade and its visual differentiation from the more-pronounced commercial massing notch near the middle of the NW Market Street façade (PL2-D-1. Wayfinding, PL3-A-2. Ensemble of Elements, *Ballard* DC2-4-a Legibility and Flexibility, DC2-E-1. Legibility and Flexibility).

2. Materials:

- a. The Board recommended approval of overall application of exterior materials and supported the primary use of brick throughout the building design, citing its elegance, texture, and relationship to the industrial character of the surrounding area. The Board specifically recommended approval of the proposed coal creek brick color, which gives the brick a modern appearance and provides a legible contrast with the secondary wood material (CS3-A-1. Fitting Old and New Together, DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).
- b. The Board recommended approval of the use of composite wood panel as an accent material that is used to accentuate façade depth within the brick façade that is used to reflect significant massing shifts, rather than as a primary material as proposed at the EDG phase of review (DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).

- c. The Board recommended approval of the window recesses, vertical façade carves, and metal frames that are used throughout the building design, citing their ability to reduce the building bulk and add façade depth through shadow lines (DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).
- d. The Board recommended approval of the canopy designs as appropriate and helpful for incorporating an industrial aspect of Ballard into the design (PL2-C-2. Design Integration, DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).
- e. The Board specifically recommended approval of the use of wood as the primary material in soffit design throughout the project design (DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).

3. Streetscape:

- a. The Board recommended approval of streetscape design and relationships between building modulation and outdoor seating places. (CS2-B-2. Connection to the Street, *Ballard* CS2-1-a. Character Core, *Ballard* PL1-2-b. Pedestrian Amenities, PL2-B. Security and Safety, PL4-A. Entry Locations and Relationships, DC2-C-2. Dual Purpose Elements).
- b. The Board recommended approval of the relationship of the live-work units to the street frontage along NW 54th Street using a landscaped planter to provide some privacy to the units. The Board cited privacy concerns among the live-work units with the continuous walkway along their entrances and requested the applicant to examine the possibility of adding walkway connections to the street frontage through the planter and/or adding breaks to the continuous walkway. The Board declined to add a condition to add or study walkway connections (PL1-B. Walkways and Connections, *Ballard* PL3-1-a. Residential Entries, *Ballard* PL3-2. Residential Edges, PL3-A-1-d. Entries, PL3-B-2. Ground-level Residential).
- c. The Board encouraged the applicant to work with SDOT to add planters to the 26th Avenue NW frontage, citing the lack of landscape planters in the site plan (CS2-B-2. Connection to the Street).
- d. The Board cited comments from SDOT and expressed concern over the lack of dedicated pedestrian paths through the landscaped planters and furniture along the NW Market Street frontage. The Board encouraged the applicant to provide sufficient pedestrian pathways for walking perpendicularly between the sidewalk and Burke-Gilman Trail along the site frontage (CS2-B-2. Connection to the Street, PL1-B. Walkways and Connections, PL4-A. Entry Locations and Relationships).
- e. The Board recommended approval of the visual connection of the wood wave benches along the NW Market Street frontages to the commercial and residential entries (CS2-B-2. Connection to the Street, *Ballard* PL1-1-b. Adding to Public Life PL1-B-3. Pedestrian Amenities). *Staff note:* Structures in the public right of way will be subject to review and approval by SDOT.
- f. The Board recommended approval of the consolidated driveway access and solid waste storage area in the southeast corner of the site, stating that the location removes the driveway and service functions from parts of the site with more street activation, and groups these areas with the service and driveway areas of the adjacent Ballard Yards development (*Ballard* DC1-1-a. Access Location and Design, DC1-C-1. Below-Grade Parking, DC1-C-2. Visual Impacts, DC1-C-4. Services Uses).
- g. During the Recommendation presentation, the applicant described the intent to visually link the appearance of the art panels proposed along the 26th Avenue NW

frontage to the wave benches on the NW Market Street frontage through a common motif and colors. The Board encouraged the continued development of this visual connection but declined to add a related condition (CS2-B-2. Connection to the Street, *Ballard* PL1-2-b. Pedestrian Amenities).

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures was based on each departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure.

At the time of the Recommendation meeting the following departures were requested:

1. **Parking Access (23.47A.032.A.1.c):** The Code requires driveway access to parking along a side street where an alley is not present and the site abuts two or more streets. The applicant proposes driveway access along NW 54th Street, which is not considered to be a side street.

The Board recommended approval of this departure, stating that it allows for the grouping of service and parking functions farthest away from the areas of the site with the most pedestrian/commercial activity. This driveway/service area location is consistent with EDG guidance and is recommended for approval by the Board. The design with departure better meets the intent of Design Guidelines: *Ballard* DC1-1-a. Access Location and Design, DC1-C-1. Below-Grade Parking, DC1-C-2. Visual Impacts, DC1-C-4. Services Uses.

2. **Weather Protection Length (23.47A.008.C.4.):** The Code requires 60% of the street frontage of NW Market Street to have continuous weather protection. The applicant proposes weather protection along 85% of that street frontage. However, the proposed weather protection is divided into two non-continuous segments that each measure 37% and 48% of the total façade length.

The Board recommended approval of this departure stating that the break in the weather protection along NW Market Street is needed to express the building's design concept through the vertical notch in the NW Market Street façade, which helps to break down the scale of the building and highlights the ground-level commercial uses at ground-level. The design with departure better meets the intent of Design Guidelines: PL2-C. Weather Protection, DC2-A-2. Reducing Perceived Mass, DC2-B-1. Façade Composition, DC2-C-2. Dual Purpose Elements.

3. **Sight Triangle (23.54.030.G.1):** The Code requires an obstruction-free sight triangle where the edge of a driveway meets the right-of-way for two-way driveways 22 feet wide or more. A sight triangle with dimensions of 10'x10' is required on the west side of the driveway. The applicant proposes an obstruction-free sight triangle on the west side of the access driveway with dimensions of 3'-2" along the south property line by 3'-2" in depth from the property line to the building facade. This is a departure of 6'-10" in both dimensions.

The Board recommended approval of this departure, supporting the applicant's rationale that the departure allows for the grouping of driveway and service areas in the southeast corner of the site. The Board expressed the desire for the incorporation of additional safety into the

overall design to compensate for the reduced sight triangle. The Board recommended a condition to work with staff to incorporate sufficient safety measures into the design to ensure a safe exit from the site. The Board cited specific examples like additional visual permeability through the solid waste areas, additional lights and mirrors, or other traffic safety features. With this condition, the design with departure better meets the intent of Design Guidelines: PL2-B. Safety and Security, *Ballard* DC1-1. Vehicular Access and Circulation, DC1-B-1. Access Location and Design, DC1-C-4. Service Uses.

4. **Sight Triangle (23.54.030.G.4):** The Code requires an obstruction-free sight triangle where the edge of a driveway meets the right-of-way for two-way driveways 22 feet wide or more, but allows the sight triangle to begin 5 feet from the lot line when the driveway is located within 10 feet of that lot line. A sight triangle with dimensions of 5'x10' is required on the east side of the driveway. The applicant proposes an obstruction-free sight triangle on the east side of the access driveway with dimensions of 4'-6" along the south property line by 3'-2" in depth from the property line. This is a departure of 6" in sight triangle length along the south property line and 5'-5" in depth from the south property line to the building façade.

This departure was included in the request for Departure 3 in the packet, but the requirement is found in another code section and is therefore requires a separate departure. The Board recommended approval of this departure, agreeing with the applicant's rationale that the departure allows for the grouping of driveway and service areas in the southeast corner of the site. The Board expressed the desire for the incorporation of additional safety measures into the overall design to compensate for the reduced sight triangle. The Board recommended a condition to work with staff to incorporate sufficient safety measures into the design to ensure a safe exit from the site. With this condition, the design with departure better meets the intent of Design Guidelines: PL2-B. Safety and Security, *Ballard* DC1-1. Vehicular Access and Circulation, DC1-B-1. Access Location and Design, DC1-C-4. Service Uses.

DESIGN REVIEW GUIDELINES

The Seattle Design Guidelines and Neighborhood Design Guidelines recognized by the Board as Priority Guidelines are identified above. All guidelines remain applicable and are summarized below. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-A Energy Use

CS1-A-1. Energy Choices: At the earliest phase of project development, examine how energy choices may influence building form, siting, and orientation, and factor in the findings when making siting and design decisions.

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS1-B-3. Managing Solar Gain: Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

CS1-D-2. Off-Site Features: Provide opportunities through design to connect to off-site habitats such as riparian corridors or existing urban forest corridors. Promote continuous habitat, where possible, and increase interconnected corridors of urban forest and habitat where possible.

CS1-E Water

CS1-E-1. Natural Water Features: If the site includes any natural water features, consider ways to incorporate them into project design, where feasible.

CS1-E-2. Adding Interest with Project Drainage: Use project drainage systems as opportunities to add interest to the site through water-related design elements.

Ballard Supplemental Guidance:

CS1-1 Plants and Habitat

CS1-1-a. On-Site Features: In the Residential In-Town and Civic Core, integrate landscaping in front of residences, within the planting strip, setbacks, or in street-level open spaces to add visual interest for people walking by, habitat, or a buffer from sidewalks for residents. With Seattle Department of Transportation approval, select plants that will provide interest year-round and create a variety of color and texture along the street.

CS1-2 Water

CS1-2-a. Adding Interest with Project Drainage:

- In the Residential In-Town and Civic Core, consider integrating natural drainage in front of residences to add visual interest for pedestrians, as well as a landscape amenity and a buffer from sidewalks for residents.
- Consider integrating drainage elements in architectural or artistic ways.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-C-2. Mid-Block Sites: Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

CS2-C-3. Full Block Sites: Break up long facades of full-block buildings to avoid a monolithic presence. Provide detail and human scale at street-level, and include repeating elements to add variety and rhythm to the façade and overall building design.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

Ballard Supplemental Guidance:

CS2-1 Location in the Neighborhood – Sense of Place: Reinforce the character and role of Ballard's Character Areas.

CS2-1-a. Character Core: The mix of historic and heritage buildings create a welcoming business district. Buildings featuring construction techniques from over a century ago establish a distinct character with human scale, detail, and permanence.

1. Build structures to the street and include shops and restaurants along Principal Pedestrian Streets to create a vibrant street and solidify the walkable business district.
2. Respond to design precedents of old buildings by incorporating well-detailed, quality construction and transparent street-level facades. Draw attention to entrances, and use variety in awnings and signs.
3. Building massing should create human-scaled buildings, through their approach to the required upper setbacks, and employing massing breaks that avoid creating a continuous canyon - especially on NW Market St.
4. Detailed building form is preferred instead of ornamental decoration.

CS2-1-b. Civic Core: The Civic Core is a mix of civic uses, community oriented businesses and a variety of residential building types. The tree-lined streets include more intimate open spaces giving a unifying public character.

1. Contribute to a rich civic character, and active public life where people walk between homes and businesses, and parks, libraries and other gathering spaces.
2. Take cues from adjoining buildings for design elements, such as prominent roof overhangs, window placement and upper level setbacks.
3. Design and program privately owned open spaces to contribute to the public realm.
4. Strive to include north/south mid-block connections that improve access from new projects to the adjacent streets.
5. Consider setting back portions of the east-west facades to form “side rooms” or “eddies” of activities.
6. Set back and raise street-level residences from the sidewalk.
7. Provide visually distinguishable and/or individual residential entries.

CS2-1-c. General Commercial: *This commercial area is a neighborhood gateway that meets the surrounding neighborhoods’ weekly and monthly needs for goods and services.*

1. Consider office uses on upper floors.
2. Design the street-level of buildings, streetscape, and landscaping to produce active storefronts and a comfortable walking environment that balance the vehicle traffic on 15th Ave. NW and NW Market St.
3. At the intersection of 15th Ave. NW and NW Market St., create a sense of place by placing active uses on corners, and incorporating generous pedestrian amenities.

CS2-1-d. Commercial Mixed: *The section of 15th Ave NW, north of NW 58th St., provides a mix of businesses serving adjacent neighborhoods, as well as services and shops serving north-west Seattle.*

1. Include residential and/or office uses in upper floors to take advantage of the transit and auto access.
2. Prioritize pedestrian-oriented retail at corners.

CS2-1-e. Residential/Neighborhood Retail: *The primarily residential character is punctuated by small, neighborhood-oriented commercial spaces on corners along arterials that provide convenience retail and services within the neighborhood.*

1. Consider including small, pedestrian-oriented retail at corners on 14th Ave. NW.
2. Prioritize small scale businesses on corners along 24th Ave. NW.
3. Commercial spaces should wrap the corner and include windows and entries on streets as well as avenues.
4. When retail or cafes are included, prioritize pedestrian and bicycle access on amenities, rather than parking.

CS2-1-f. Residential In-Town: Ballard’s higher density multifamily areas provide in-town living opportunities that enjoy easy access to shops, services, and jobs. The design characteristics, and streetscape support a diverse population, including singles, families, and seniors.

- Row houses are preferred.
- Consolidate entries to shared, below-grade parking when parking is provided.

CS2-2 Architectural Presence at Gateways: Projects at gateways should have a strong visual identity that can be perceived at a distance as one approaches the gateway, in addition to strong architectural detail and high-quality materials.

CS2-2-a. Design Concept: Projects in gateways should have a strong design concept that integrates building architecture, streetscape and landscaping to create a landmark and sense of place that becomes part of the architectural legacy of Ballard.

CS2-2-b. Enhance the Major Gateways.

- Responding to adjacent transit facilities in the site plan;
- Incorporating generous pedestrian amenities at transit stops;
- Creating a landscaped buffer between pedestrians and traffic;
- Placing active uses on corners; and
- Ensuring buildings engage pedestrians and activate sidewalks at the street level.

CS2-3 Adjacent Sites, Streets, and Open Spaces

CS2-3-a. Connection to the Street

1. Character Core: Street-level facade design should create a strong connection to pedestrians.
 - Emphasize identifiable entrances. Avoid storefront windows recessed more than 6" behind the building facade at street level. Use a variety of awnings and signs. Street level facades should have greater proportion of windows than solids.
 - Consider responding to development standards such as lot coverage, building width, and facade modulation requirements, by connecting private open space to the street. Balance the impact to active street-level facade by wrapping commercial uses around the edges of these open spaces.
2. Civic Core: Provide a transition from public to private spaces.
 - Set back or raise street level residences from the sidewalk. Provide visually distinguishable individual residential unit entries to rowhouses.
 - In setbacks along residential units use design elements (e.g. hedges, paving changes, stoops, porches) to indicate the transition from public (sidewalk) to private (dwelling).
 - Consider setting back portions of the street-level commercial facades from the sidewalk to provide semi-public or private spaces along the streets, or incorporating undulating and playful building edges programmed with landscaping, active uses, cafe seating, walls and roof overhangs.
3. West and North Sides of Ballard Commons: Residential projects with units that directly access the public right-of-way are preferred since they help enliven the street environment.
4. South Side of Ballard Commons: Mixed-use projects around the park should provide active storefronts along the entire south edge of NW 57th Street, west of 22nd Avenue NW, and a consistent street wall with a two story minimum height.

CS2-3-b. Pedestrian-Oriented Retail at Corners: Encourage small pedestrian-oriented retail at corners along 15th Ave. NW and 14th Ave. NW, especially near bus stops.

CS2-3-c. Intersection of 15th Ave. NW and NW Market St.: On projects at the intersection of 15th Ave. NW and NW Market St., in addition to creating an active sidewalk frontage, consider incorporating small, street-level courtyards with seating and landscaping. This would complement the busy pedestrian and vehicle environment, by

increasing the commercial frontages and create a welcoming, off-street environment for occupants and patrons.

CS2-3-d. Character of Open Space

1. Surrounding the Ballard Commons Park: Buildings should create a consistent two-story street wall with ground related entries. Development above the two-story base should be set back and be modulated to increase solar exposure to the street park.
2. Commercial buildings adjacent to parks should create active spaces (such as dining areas or window displays) that support activity and create lively backdrops to parks.

CS2-4 Relationship to the Block

CS2-4-a. Corner Sites

1. Avoid live-work units on corners, or provide large work space display windows that wrap the corner, in order to accommodate truly commercial ground-floor uses.
2. Where building facades span to corners on a sloping street, adjust the ground-floor height to increase the amount of full-height floors along the street. Provide entries to shops near both corners. Alternatively, set back the ground floor and adjust the grade to provide full-height floors.
3. Avoid the use of turrets on corner sites, and use architecture details and massing that are integrated into the overall design concept.

CS2-5 Height, Bulk, and Scale

CS2-5-a. Character Core and Civic Core: Work with required upper-level setbacks to avoid creating a canyon feel, particularly along the long, east-west blocks. Consider orienting open areas that provide light and air to residences on the upper levels toward the street.

CS2-5-b. Along Commercial Streets: In general, projects should provide a consistent, two-story street wall along commercial streets. Deviations from the consistent street wall are acceptable for open spaces that are programmed for public use (e.g. dining or sitting). Strive to create unified facades along these lower stories by:

- Continuing floor heights;
- Reflecting adjacent window size and placement;
- Incorporating similar cornice or pediment treatments; and/or
- Other similar methods.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

CS3-B Local History and Culture

CS3-B-1. Placemaking: Explore the history of the site and neighborhood as a potential placemaking opportunity. Look for historical and cultural significance, using neighborhood groups and archives as resources.

CS3-B-2. Historical/Cultural References: Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

Ballard Supplemental Guidance:

CS3-1 Fitting Old and New

CS3-1-a. Character Core: New buildings should: reflect the scale and proportion, roof forms, detailing, windows, and use complementary materials of the Ballard Avenue Landmark District and older buildings along NW Market St.

CS3-1-b. Character Core and Civic Core: New, large buildings should reflect the 50' - 100' typical lot widths as well as the spacing of floors and windows of existing projects when incorporating techniques to create compatible scale and bulk. Consider the height of adjacent building parapets and other design features when determining the height at which to begin upper-level setbacks.

CS3-1-c. Civic Core and In-Town Residential: In these areas, where a new project is replacing smaller-scaled buildings, reinforce the more granular massing and design concepts found in existing buildings, without using details (such as small dormers or shingles) that are not appropriate to the new, larger-scaled project.

CS3-1-d. Massing Choices: Strong architectural elements that define and create human scale are preferred over unorganized mix of styles and materials.

CS3-1-e. Unified Design: Design new buildings to have horizontal divisions that create distinctive base and cap levels. Integrate the upper levels into the overall building design and choice of materials.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

PL1-C-3. Year-Round Activity: Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

Ballard Supplemental Guidance:

PL1-1 Network of Open Spaces

PL1-1-a. Enhancing Open Space

1. Projects fronting onto Bergen Park should consider how to incorporate site circulation, ground-level open space, and windows to create activity that complements the park. Consider upper-story setbacks to minimize shading of Bergen Park.
2. Projects across 22nd Ave. NW from Ballard Commons, should orient buildings so that entrances and private open spaces create a physical or visual connection with Ballard Commons, and activate 22nd Ave. NW, integrating the park, the street and private development for celebrations and events.

PL1-1-b. Adding to Public Life

1. Large Mixed-use and Multifamily Buildings: When not located on Principal Pedestrian Streets, projects should consider including ground-level open space when designing the building massing.
 - Orient open space to take advantage of sunlight.
 - Include windows, entries, balconies, and design elements of adjacent building facades that help activate the open space.
 - When possible, connect interior building common areas to the outdoor areas.
 - When a project incorporates restaurants or pubs, the design should consider café seating.
 - Create gradual transitions from street-level to any raised open areas by using wide steps and integrating landscaping and other elements.
 - Incorporate places to sit that are integrated into active uses and can be easily managed by those uses.
 - Include green stormwater infrastructure where feasible.
2. In the Civic Core: The landscaping and sidewalk environment should create a rich public realm and active public open space that extends from the Ballard Commons.
 - With SDOT approval, create tree-lined, and well landscaped streets that integrate with semi-private and private spaces, giving a unifying public character.
 - Design private open spaces to contribute to public life through their location and site plan. Strive to include street-level open space and amenity areas in residential projects.
 - Integrate artistic and custom-made elements into street level landscaping.

PL1-2 Walkways and Connections

PL1-2-a. Pedestrian Volumes: Create welcoming and spacious sidewalk environment through integrating private open space, setbacks and careful location of entrances at the Gateways.

PL1-2-b. Pedestrian Amenities: Create lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction to the site and building. Examples of pedestrian amenities include seating, other street furniture, lighting, year-round landscaping, seasonal plantings, pedestrian scale signage, site furniture, artwork, awnings, large storefront windows, and engaging retail displays and/or kiosks.

PL1-2-c. Mid-Block Pedestrian Connections: Mid-block connections are strongly encouraged through long blocks in the Character Core and Civic Core. The Design Review Board may consider a departure as set forth at SMC 23.41.012 to reduce open space requirements in exchange for a mid-block pedestrian connection. Such spaces shall be sited and designed in a manner that are clearly public in nature and engaging to pedestrians.

PL1-3 Outdoor Uses and Activities

PL1-3-a. Priority Activity Area: Along 22nd Ave. NW, between NW Market St. and NW 58th St., consider designing street-level elements to support the role of 22nd Ave. NW as a street that accommodates festivals and events. The Ballard Branch Library supports this by providing wide sidewalks, and by including an entrance to the public meeting room that allows events to spill out on to the sidewalk.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-A-2. Access Challenges: Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

PL2-D Wayfinding

PL2-D-1. Design as Wayfinding: Use design features as a means of wayfinding wherever possible.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

Ballard Supplemental Guidance:

PL3-1 Entries

PL3-1-a. Residential Entries: In Residential In-Town, row houses with individual entrances and stoops are recommended at the street level. In the Civic Core, residences with individual entrances and stoops are preferred along NW 58th St.

PL3-1-b. Retail Entries:

- Character Core: Along Principal Pedestrian streets in Pedestrian designation zones, continue the precedent of a high density of storefronts, entries, and the

human-scale of the street-facing façades established along Ballard Ave. NW and along NW Market St. between 24th Ave. NW and 20th Ave NW.

- **Civic Core:** Where ground level commercial uses are provided, consider setting back portions of the street-level facade and cluster entries and active uses such as sidewalk cafes and benches to create a transition from public to semi-private spaces and to create a softer street-wall.

PL3-2 Residential Edges

- Use strong design elements in setbacks (e.g. sitting walls, raised patios, planters, paving changes, stoops, and porches) to indicate the transition from public to private.
- Encourage clearly differentiated residential or commercial street level uses. Encourage ground-related residential uses to follow development standards.

PL3-3 Buildings with Live/Work Uses: Discourage live/work units on Principal Pedestrian Streets; these streets should have genuine, activating commercial uses.

- Avoid live/work units on corners.
- All residential buildings are preferred over live-work units along the entire street-level.

PL3-4 Retail Edges should be porous, and include pedestrian interest and diverse storefront treatments and tenant spaces.

PL3-4-a. Windows: Avoid deeply recessed windows at street level.

PL3-4-b. Awnings and Signage: Encourage variety in awnings and signs along the street-level facades of longer buildings.

PL3-4-c. Transparency: Street level facades should have a greater proportion of transparency than solids.

PL3-4-d. Setbacks: Consider small setbacks at street-level on busy streets, or where sidewalks are narrow, to incorporate seating, displays, rain cover, and provide some relief from traffic.

PL3-4-e. Individualization: Where multiple storefronts are provided along a building facade, incorporate features that allow for individualized identity.

PL3-4-f. Operable Windows: Incorporate window walls that can open for restaurants.

PL3-4-g. Size and Length: Include commercial spaces for small, individual business establishments that average 2,000 square feet or less in size at street level. Set maximum length of street frontage for individual business consistent with area business character.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-A Entry Locations and Relationships

PL4-A-1. Serving all Modes of Travel: Provide safe and convenient access points for all modes of travel.

PL4-A-2. Connections to All Modes: Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

PL4-C-2. On-site Transit Stops: If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

Ballard Supplemental Guidance:

PL4-1 Planning Ahead for Bicyclists: Bicycle use and parking should be encouraged to promote a healthy and active neighborhood and to support local businesses. Plan for bicycle parking that provides a place to lock up close to business entries. Bicycle racks should be plentiful, and either be from the Seattle Department of Transportation's bike parking program or be an approved rack of similar "inverted U" or "staple" style. The bicycle racks may also be an opportunity for place-making, such as having a uniform color.

PL4-2 Planning Ahead for Transit: Consider adjacent transit stops by orienting entrances near stop locations, and providing sufficient setbacks to accommodate transit users, pedestrians and to minimize conflicts.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

DC1-B-2. Facilities for Alternative Transportation: Locate facilities for alternative transportation in prominent locations that are convenient and readily accessible to expected users.

DC1-C Parking and Service Uses

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

DC1-C-2. Visual Impacts: Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

DC1-C-3. Multiple Uses: Design parking areas to serve multiple uses such as children's play space, outdoor gathering areas, sports courts, woonerf, or common space in multifamily projects.

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

Ballard Supplemental Guidance:

DC1-1 Vehicular Access and Circulation

DC1-1-a. Access Location and Design

- Continue to develop the alley between NW Market St. and NW 56th St. between 17th Ave. NW and 24th Ave. NW, and design buildings so that all vehicle and service access occur from the alley.
- Where there is no platted alley, consider organizing vehicle access to accommodate future shared, private access easements.
- Combine and consolidate service areas with parking access, where parking is provided.

DC1-2 Shared Parking: Where parking is provided, design access so that it can accommodate visitors, tenants, and the potential for shared or leased parking.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose—adding depth, texture, and scale as well as serving other project functions.

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

DC2-E Form and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

Ballard Supplemental Guidance:

DC2-1 Massing

DC2-1-a. Reducing Perceived Mass: In the Character Core, the massing of new buildings should reflect the dominant 50 to 100-foot parcel width that was common in areas platted up to 1930. This can be achieved by either limiting building lengths or by creating distinct designs or material changes, or vertical modulations, that break up facades into this scale.

DC2-2 Architectural and Façade Composition

DC2-2-a. Rhythm and Corners: Provide continuity of rhythm of vertical and horizontal elements (such as window size and spacing and location of entrances) along a block. Maximize the visibility of corner locations by placing entrances and strong design features on corners.

DC2-2-b. Horizontal Divisions: Design buildings to have horizontal divisions that create strong base levels (preferably two stories) that are not overpowered by the upper-level massing. Where the street level façade is set back to provide additional space at the ground level, ensure that the overhang is at least 13-15 feet above the sidewalk.

DC2-3 Scale and Texture

DC2-3-a. Texture

- At the street level, incorporate a variety of textures such as blade signs, uneven brick, gooseneck lights, and windows that add texture and scale that is perceptible at a walking pace.
- Create well-detailed and highly-visible storefronts. Provide opportunities for window displays. Generally, avoid small, deeply inset street-level storefront windows.
- Consider small recesses for doorways.

DC2-4 Form and Function

DC2-4-a. Legibility and Flexibility: In addition to responding to the design of surrounding buildings, new projects should continue Ballard’s legacy of historic buildings by integrating form, function, and materials to meet today’s needs.

1. Clearly differentiate residential from commercial street-level uses.
2. Discourage departures from ground-related residential development standards.
3. Create a strong building base design presence so that the street-level is not overwhelmed by the middle and top of the building.
4. Include smaller, more “naturally affordable” retail spaces to maintain a diversity in services and stores, and to fit with the historic predominance of smaller commercial spaces.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-1. Meeting User Needs: Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

DC3-B-3. Connections to Other Open Space: Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate.

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

DC3-C-2. Amenities/Features: Create attractive outdoor spaces suited to the uses envisioned for the project.

DC3-C-3. Support Natural Areas: Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

Ballard Supplemental Guidance:

DC3-1 Building-Open Space Relationship

DC3-1-a. Interior/Exterior Fit: Consider wrapping commercial uses around corners into any courtyards to create a gradual transition from public to private open space areas.

DC3-2 Open Space Uses and Activities

DC3-2-a. Meeting User Needs: Outside of pedestrian zones, large mixed-use and multifamily developments should incorporate ground-level open space when designing the massing.

1. Include windows, entries, balconies, and design elements of adjacent building facades that help activate the open space.
2. When possible, connect interior building common areas to the outdoor areas.
3. When a project incorporates restaurants or pubs, the design should include café seating along sidewalks and/or courtyards.
4. Create gradual transitions from street-level to any raised open areas by using wide steps with integrated landscaping and other welcoming elements.
5. Include green stormwater infrastructure where feasible.
6. In General Commercial areas, along 15th Ave. NW, incorporate into street-level setbacks elements such as pedestrian circulation areas, landscaping, lighting, weather protection, art, or other similar features that enhance the usability for

residents and businesses, and gives relief to pedestrians walking along a busy street.

DC3-3 Design

DC3-3-a. Amenities and Features: In the Residential In-Town and Civic Core, integrate landscaping in front of residences within the planting strip and/or in the required setback to add visual interest for people walking by, a habitat, and a privacy layering from sidewalks for residents.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

DC4-E Project Assembly and Lifespan

DC4-E-1. Deconstruction: When possible, design the project so that it may be deconstructed at the end of its useful lifetime, with connections and assembly techniques that will allow reuse of materials.

Ballard Supplemental Guidance:

DC4-1 Building Materials

DC4-1-a. Exterior Finish Materials:

1. The structure's form and materials should respond to each other and changes in material should accompany a change in form or plane. Randomly changing materials within the same plane to reduce perceived bulk is discouraged.
2. Select materials that convey permanence:
 - On building cladding and details, avoid thin materials that buckle or warp.
 - Materials that require no or minimal maintenance are encouraged on larger buildings. Examples include: brick, steel, and fiber cement panel products with integral color.
 - Commercial development should incorporate materials that stand up to intensive public use.
 - Window openings should incorporate lintels and sills on a scale that is appropriate to the size of the building.
3. Avoid using a high variety of materials in an attempt to reduce bulk. Brick and stone masonry are preferred. Metal and other industrial finishes can be used to complement traditional materials or create interesting contrast.
4. Residential buildings should incorporate operable windows, and fine-scaled detailing without relying on single-family residential materials such as vinyl clapboards and shingles.
5. Use new technology and energy-saving techniques, quality materials, and designs that allow long-term flexibility of uses in a manner that expresses an integration of form, function and materials to create buildings that age gracefully.
6. New buildings in the Character Core and Civic Core should reflect the larger scale and significant investment found there.
 - a) Traditional materials like brick and stone are preferred for the Character Core.
 - b) In the Civic Core, use durable and modern materials such as metal, wood, glass, and brick that are in scale with new development. Bold colors and volumes similar to those expressed in the Ballard Library and Greenfire buildings are encouraged.
 - c) Projects should reinforce the historic character with use of high quality materials and a selective color palette.
 - d) The detailing and texture of materials used at street-level in the Character Core and Civic Core should reflect the pedestrian scale.

DC4-2 Signage

DC4-2-a. Scale and Character: In addition to all requirements found in the Sign Code, the following guidelines also apply:

1. Indirectly lit signs are preferred. Internally illuminated signs are generally not appropriate within the neighborhood design guideline boundary (Ballard Urban Village) except on 15th Ave NW and 24th Ave NW. Where backlit signs are used, they should be integrated into the building architecture.
2. Awnings, especially if backlit, should not be the primary signage.
3. Shingle signs, signage integrated into the transom or cornices, and applied to display windows are preferred for the Character Core and Civic Core.
4. Consider complex shapes rather than simple rectangles, circles or squares where they complement the architectural expression of the building and/or neighborhood.

DC4-2-b. Coordination with Project Design: Size and locate signs to complement the architectural scale of the façade, and to not obscure or bridge horizontal and vertical elements such as cornices, transoms, or beltlines.

RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated March 7, 2022, and the materials shown and verbally described by the applicant at the March 7, 2022, Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures with the following condition:

1. Work with staff to incorporate sufficient safety measures into the design to ensure a safe exit from the driveway access on NW 54th Street (PL2-B. Safety and Security, *Ballard* DC1-1. Vehicular Access and Circulation, DC1-B-1. Access Location and Design, DC1-C-4. Service Uses).

ANALYSIS & DECISION – DESIGN REVIEW

DIRECTOR’S ANALYSIS

The design review process prescribed in Section 23.41.008.F of the Seattle Municipal Code describing the content of the SDCI Director’s decision reads in part as follows:

The Director’s decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on March 7, 2022, the Board recommended approval of the project with the condition described in the summary of the Recommendation meeting above.

Five members of the Northwest Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project and condition imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Following the Recommendation meeting, SDCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

Applicant response to the Recommended Design Review Condition:

1. The applicant responded with a memo on April 28, 2022, explaining the proposed safety measures intended to address Condition #1 as recommended by the Northwest Design Review Board. According to the memo, wall-mounted mirrors on the garage interior, tactile warning strips on the driveway apron, and signage will be used to provide a safe exit from the driveway access on NW 54th Street. These items are shown in the MUP plan set on sheets G2.07, A1.01, and A2.01. This response satisfies the recommended condition for the MUP decision.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of SDCI has reviewed the recommendations of the Design Review Board made by the 5 members present at the recommendation meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all the recommendations imposed by the Design Review Board have been met.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the condition at the end of this report.

II. ANALYSIS – REZONE

Seattle Municipal Code (SMC) Chapter 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040.D, for an amendment to the Official Land Use Map. Contract rezones and Property Use and Development Agreements (PUDAs) are provided for in the Code at SMC 23.34.004.

The applicable requirements for this rezone proposal are stated in SMC 23.34.004 (*Contract rezones*), 23.34.006 (*Application of MHA suffixes in Type IV rezones*), 23.34.007 (*Rezone evaluation*), 23.34.008 (*General rezone criteria*) and 23.34.009 (*Height limits*), 23.34.072 (*Designation of commercial zones*), 23.34.076 (*Neighborhood Commercial 2 (NC2) zones, function and locational criteria*), 23.34.078 (*Neighborhood Commercial 3 zones, function and locational criteria*), 23.34.086 (*Pedestrian designation (suffix P), function and locational criteria*), 23.34.090 (*Designation of industrial zones*), 23.34.094 (*Industrial Buffer (IB) zone*,

function and locational criteria), and 23.34.096 (Locational criteria—Industrial Commercial (IC) zone), and 23.34.128 (Seattle Mixed (SM) zone, function and locational criteria).

Applicable portions of the rezone criteria are shown in *italics*, followed by analysis in regular typeface.

SMC 23.34.004 Contract Rezones.

- A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.*

A Property Use and Development Agreement (PUDA) will be executed and recorded as a condition of the contract rezone. The Director recommends that the PUDA include conditions requiring development of the rezoned property to be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU; and to maintain non-residential uses along the south side of the building, as discussed below in response to SMC 23.34.008.D.

- B. *Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.*

In November 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, *Affordable Housing Impact Mitigation Program Development Program for Commercial Development* (MHA-C). The Council followed this, in August 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, *Mandatory Housing Affordability for Residential Development* (MHA-R). The rezoned property is subject to Chapters 23.58B and 23.58C through the terms of a contract rezone in accordance with SMC 23.34.004 and Director's Rule 14-2016.

A Director's Rule (*Application of Mandatory Housing Affordability for Residential Development [MHA-R] in contract rezones, DR 14-2016*) has been approved pursuant to SMC 23.34.004.B. The rule specifies how to determine the appropriate MHA suffix. Application of the Director's Rule indicates that the proposed rezone from IC-65 to NC3P-75 would fall into tier *M*, and therefore receive an (*M*) suffix; consistent with the proposal.

The associated development under the proposed rezone to NC3P-75 (*M*) is subject to the MHA provisions of SMC 23.58B and/or 23.58C. The applicant has elected the MHA

performance option, as indicated on sheet G2.03 of the plan set for this Master User Permit number 3037590.

- C. *A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.*

A PUDA will be executed and recorded as a condition of the contract rezone from Industrial-Commercial [IC-65 (M)] to Neighborhood Commercial 3 with a Pedestrian designation and Mandatory Housing Affordability (MHA) designation of “M” [NC3P-75 (M)] with the recommended condition that the development shall be in substantial conformance, as determined by the director, with the approved plans for Master Use Permit number 3037590-LU; and non-residential uses shall be maintained along the south side of the building. The recorded conditions will facilitate the use of an MHA “M” suffix, pedestrian “P” suffix, and any associated development standards identified in the Code for Neighborhood Commercial 3 zones with a 75-foot height limit.

- D. *Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

At the time of SDCI recommendation, no waivers to requirements were requested.

23.34.006 - Application of MHA suffixes in Type IV rezones

- A. *When the Council approves a Type IV amendment to the Official Land Use Map that increases development capacity in an area to which Chapters 23.58B and 23.58C have not previously been applied, the following provisions govern application of Chapters 23.58B and 23.58C to the rezoned area through use of a mandatory housing affordability suffix:*
1. *If the rezone is to another zone in the same MHA zone category according to Table A for 23.34.006, the new zone should have a (M) suffix.*
 2. *If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M1) suffix.*
 3. *If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

Chapters 23.58B and 23.58C have been previously applied to the project site. Both existing zones within the site contain an (M) suffix.

- B. *When the Council approves a Type IV amendment to the Official Land Use Map in an area to which Chapters 23.58B and 23.58C have previously been applied through the use of a*

mandatory housing affordability suffix, the suffix for the new zone shall be determined as follows:

- 1. If the rezone would not increase development capacity or is to another zone in the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not change.*
- 2. If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should:*
 - a. Have a (M1) suffix if it currently has an (M) suffix; or*
 - b. Have a (M2) suffix if it currently has an (M1) or (M2) suffix.*
- 3. If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

The existing IC-65 (M) zone and the proposed NC3P-75 (M) zone are both in Category 4 according to Table A of SMC 23.34.006. Because they are both in Category 4, the proposed NC3P-75 zone should have an (M) suffix.

SMC 23.34.007 Rezone Evaluation.

- A. The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*

This rezone is not proposed to correct a mapping error, and therefore the provisions of this chapter apply. In evaluating the proposed rezone, the provisions of this chapter have been weighed and balanced together to determine which zone and height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended.

- B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

This analysis evaluates a range of criteria as they apply to the subject rezone and as identified in Chapter 23.34 Amendments to Official Land Use Map (Rezoning) and Seattle Municipal Code (listed at the beginning of this “Analysis” section) and subject to the requirements of SMC 23.58.B and 23.58.C. No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate zone designation for the property.

- C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that*

Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.

The proposed rezone is not a shoreline environment redesignation. The Comprehensive Plan Shoreline Policies were not used in this analysis.

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

The entire subject site is located within the Ballard Hub Urban Village with boundaries as established in the Comprehensive Plan. The proposed rezone has been evaluated according to the provisions of this chapter that apply to areas that are inside of urban villages.

- E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.*

The subject rezone is not a redesignation of a shoreline environment and therefore is not subject to Shoreline Area.

- F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

SMC 23.34.008 General rezone criteria.

- A. To be approved a rezone shall meet the following standards:*

- 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.*

The site is located within the Ballard Hub Urban Village. Hub Urban Villages include residential and employment growth targets within the Seattle Comprehensive Plan 2035. The current residential density (as of September 2022) in the Ballard Hub Urban Village is 24.7 dwelling units per acre, which is more than 125% of the residential growth target of 15 dwelling units per acre. Outside of caretaker units, residential uses are not permitted within the current IC-65 (M) zone. The proposed NC3P-75 (M) zone permits multi-

family residential units, which would result in an overall increase to the zoned capacity for residential.

The employment density (as of March 2021) in the Ballard Hub Urban Village is 15.4 jobs per acre. The zoned employment capacity of the Ballard Hub Urban Village, at 23.8 jobs per acre, is less than the growth target of 25 jobs per acre. Because both the existing and proposed zone designations allow for commercial development, the proposed rezone and associated development are not expected to significantly alter the employment capacity of the Ballard Hub Urban Village and for urban villages as a whole.

- B. Match between Established Locational Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

This proposed rezone includes a change to the zone designation; therefore, an analysis of the zone type and locational criteria is required. Please see the functional and locational criteria analyses for the relevant zones below. Analyses of the Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Industrial-Commercial (IC), Industrial Buffer (IB), and Seattle Mixed (SM) zones are included below. Analysis of these specific zones is included because their locational criteria appear to be the most applicable to the characteristics of the project site and surroundings.

- C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.*

Zoning History

The project site is split-zoned with Industrial-Commercial zoning on the western three-quarters of the project site and Neighborhood-Commercial 3 zoning on the eastern quarter of the site. Historical zoning information shows that the current zoning division within the site between Industrial and Commercial zoning has been present since at least 1961.

- **1947 Zoning Map:** The zoning classification of the entire project site is identified as “First Manufacturing District”.
- **1961 Zoning Map:** The site is shown with split zoning similar to the current zone boundaries with the western portion of the site zoned “General Industrial Zone” and the eastern portion of the site zoned “Community Business Zone.”
- **1973 Zoning Map:** This zoning map shows the same zoning for the project site as 1961 zoning map.
- **1994 Ordinance 117221:** This ordinance approved the 1994 Seattle Comprehensive Plan, which introduced the Ballard Hub Urban Village. The project site is located within the Ballard Hub Urban Village and was included at the time of this initial adoption.
- **1995 Ordinance 117434:** This approved rezone designated the eastern quarter of the project site as the Neighborhood Commercial (NC3-65) zone and the General Industrial (IG2 U/65) zone on the western three-quarters of the project site.
- **2010 Ordinance 123282:** This ordinance rezoned the western portion of site from General-Industrial (IG2 U/65) to Industrial-Commercial (IC-65).

- **2019 Ordinance 125791:** The Housing Affordability and Livability Agenda (HALA) rezoned the site in April 2019. The eastern portion of the site was rezoned from NC3P-65 to NC3P-75 (M), which added 10 feet to the permitted height of the eastern quarter of the site while adding the MHA suffix. The western portion of the site was rezoned from IC-65 to IC-65 (M), which only added the MHA suffix.

The zoning history listed above shows that the project site has a history of split zoning between industrial and commercial zoning. All three listed rezones since 1995 have included an area larger than just the project site and do not appear to include analysis of the site and the reasons for the split zoning. Instead, these rezones appear to have respected the existing division between Industrial-Commercial and Neighborhood-Commercial zoning.

Potential Changes to Industrial Zoning

The City of Seattle Office of Planning and Community Development (OPCD) is currently examining the City's Industrial and Maritime Strategy related to the use of industrially-zoned land throughout the city. A final Environmental Impact Statement (EIS) was produced in September 2022 that identifies potential new industrial zoning classifications to replace current industrial zoning classifications citywide and examines concepts for deploying these zoning classifications on land currently zoned industrial.

The final EIS examines four concepts for deploying these industrial zoning classifications. In general, these four concepts and associated policies focus on providing stronger land-use protections for industrial areas; encouraging modern high-density industrial development; and creating affordable opportunities for small-scale light-industrial businesses; while improving the environmental health of communities in and near industrial areas.

The final EIS includes a preferred alternative concept. According to the preferred alternative, the Industrial-Commercial zone that includes the project site and extends to the west for approximately two blocks would be maintained in its current location along the south side of NW Market Street. This Industrial-Commercial zoning would be preserved with the intent to provide a buffer of industrial and commercial uses while restricting multi-family residential uses along the south side of NW Market Street. The final EIS does not appear to reach a level of detail that examines the zoning of individual sites like the split zoning on the project site.

23.34.008.D Summary: The project site's zoning history shows that the zoning division on the site between Industrial and Commercial zoning dates back to at least the 1960s. Available information does not explain why the zoning division currently occurs within the project site. Rezones within the last 30 years that have included the site have not addressed the split zoning of the site. As discussed in subsequent sections, revising the location of the Industrial/Neighborhood Commercial transition from within the project site to 26th Avenue NW would provide stronger definition of the current Industrial-Commercial/Neighborhood Commercial zone transition.

OPCD is currently examining revisions to the city's Comprehensive Plan and Land Use Code to align with the City's Industrial and Maritime Strategy. The preferred alternative within the final EIS completed by OPCD shows no change to the Industrial-Commercial zone on the project site and no change to the current split-zoning with Neighborhood Commercial 3. Implementation of policy amendments and land use recommendations related to the Industrial and Maritime Strategy land use recommendations is anticipated in Winter 2023.

D. Neighborhood Plans

1. *For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*

The applicable Crown Hill/Ballard Neighborhood Plan was adopted on August 19, 1998 through ordinance 119111. Since that initial plan adoption, goals and policies applicable to the Crown Hill/Ballard neighborhood have been updated through comprehensive plan processes. The current form of these goals and policies can be found in the Seattle 2035 Comprehensive Plan, beginning on page 241.

2. *Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*

The adopted portions of the Crown Hill/Ballard Neighborhood Plan located within the Seattle 2035 Comprehensive Plan include only one policy (CH/B-P6.5) that specifically refers to future rezones, and addresses single-family-zoned portions of split-zoned lots having an existing multifamily use. The proposed rezone does not include single-family zoning, so this policy does not apply to the proposed rezone.

The adopted Seattle 2035 Comprehensive Plan contains policies specific to the Crown Hill/Ballard Neighborhood, which includes the project site. The following policies may apply to the proposed rezone:

Policy CH/B-P5 Accommodate the majority of new housing units and increases in density in the central areas of the Ballard and Crown Hill urban villages.

The site is located in the Ballard Hub Urban Village. The development proposal associated with this rezone includes 107 multi-family residential units, which is consistent with this policy.

Policy CH/B-P10 Strive to improve the pedestrian environment along NW Market Street while retaining its function as a principal arterial.

Although the site is located along the south side of NW Market Street, the street is not classified as a principal arterial in this location. The principal arterial designation is located to the east of 15th Avenue, approximately 0.6 miles to the east of the site. The portion of NW Market Street west of 15th Ave NW, including the frontage adjacent to the site, is mapped as a minor arterial.

The proposed development of the site includes the construction of sidewalks along the three street frontages surrounding the site. 26th Avenue NW to the west of the site and NW 54th Street to the south of the site currently do not have sidewalk along the project site. The associated development proposal also includes ground level commercial spaces along NW Market Street and proposes a building design with a high-level of ground-level transparency into the commercial spaces and outdoor seating spaces. The proposed rezone includes a pedestrian designation with a “P”

suffix that includes additional zoning requirements to enhance pedestrian-oriented design of the project site frontage.

Policy CH/B-P19 Address the lack of affordable live-work spaces for artists and others in Seattle through promoting the adaptive reuse of historic buildings in the Ballard Landmark District and other nearby areas as appropriate.

The proposed rezone will not help to reuse existing buildings because there are no existing buildings on-site. However, the proposed development includes live-work units on the south side of the site, which include overhead roll-up doors and interior spaces that are potentially conducive to small-scale artist spaces and other uses. The application does not contain information about the intended affordability of the live-work spaces.

Policy CH/B-P20 Seek to attract industrial uses that could have a symbiotic relationship with the local arts community, including but not limited to, glass-blowing facilities, welding and metalwork shops, facilities that recycle materials into usable objects, woodworking facilities, or large-scale ceramics.

The current IC-65 (M) zone allows for a range of manufacturing uses, which includes the types of uses listed above. The proposed NC3P-75 (M) zone only allows for small-scale light-manufacturing uses, but not general or heavy manufacturing, which limits potential uses to the production of materials that do not need to be refined. Although the IC-65 (M) zone would allow for a wider range of industrial uses than the proposed NC3P-75 (M) zone, there is not an existing building on-site, and the site appears to be undeveloped throughout its history.

3. *Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*

The adopted portions of the Crown Hill/Ballard Neighborhood Plan do not include any policies expressly adopted for the purpose of guiding future rezones.

4. *If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The Council-adopted portions of the Crown Hill/Ballard Neighborhood Plan do not identify any specific areas for rezone.

SMC 23.34.008.D Conclusion: There are no specific policies in the Crown Hill/Ballard Neighborhood Plan to guide rezones. The proposed rezone is consistent with Crown Hill/Ballard policies to increase residential densities in the Ballard Hub Urban Village and improve the pedestrian environment along arterial streets. Two policies in particular recommend the implementation of small-scale industrial uses within the area surrounding the project site. The proposed mixed-use development associated with this rezone includes live-work units facing NW 54th Street that could support artist work spaces and similar uses

intended by the Crown Hill/Ballard policies of the Seattle Comprehensive Plan 2035. The Director recommends a condition to maintain non-residential uses along the south side of the building.

E. Zoning Principles. The following zoning principles shall be considered:

- 1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

According to the Land Use Code, all industrial zones surrounding the project site are considered to be more-intensive than the proposed Neighborhood Commercial 3 zone. This includes the Industrial-Commercial (IC-65) zone to the west, the Industrial Buffer (IB U/45) zone to the north, and the Industrial-General (IG U/65) zone to the south.

Close proximity between Industrial and Neighborhood Commercial zones is a common feature in the area surrounding the project site. A zone transition between Industrial-General zoning, which allows for relatively intense industrial uses, and Neighborhood Commercial zoning, which allows for multi-family residential uses extends from the project site to the east and southeast for approximately a half mile. Although the proposed rezone would increase the amount of Neighborhood Commercial zoning in close proximity to more intensive industrial zoning, it would also shift the current zone boundary from within the project site to the surrounding street frontages, which act as more natural zone transition boundaries.

The City of Seattle Office of Planning and Community Development (OPCD) completed a final EIS in September 2022, that examined potential policy and code changes to industrial zoning. This draft EIS also examined impacts related to industrial zoning citywide. Based on this report, potential noise impacts caused by industrial uses in close proximity to residential uses appear to be most applicable to the proposed rezone. The final EIS notes that Ballard is not one of the existing industrial areas in Seattle that is classified as “noise-impacted” where noise levels exceed 65 dBA. However, it also notes that noise impacts contributed by industrial areas in Ballard could occur in residential areas adjacent to the periphery industrial areas.

Public comment received from industrial business interests expressed some concern about the increase of Neighborhood Commercial zoning adjacent to industrially-zoned land and the potential for noise-related incompatibility. According to the Seattle Noise Ordinance in SMC Chapter 25.08, the maximum exterior sound level limits of industrial zones are 70 DB where sound receiving sites are also industrial. These maximum sound level limits are reduced to 65 DB for industrial sites where receiving sites have commercial zoning. The proposed rezone, which would add commercially-zoned land adjacent to industrial zoning, may have the effect of reducing the permitted sound levels of the industrial zone.

In order to address potential noise impacts related to the rezone and proposed development, the applicant has proposed in its MUP Land Use Correction Notice #1 dated January 14, 2022, the installation of double-paned windows facing the industrial uses to the south of the project site.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

- a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
- b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. *Distinct change in street layout and block orientation;*
- d. *Open space and greenspaces;*

The current boundary between the Industrial-Commercial and Neighborhood-Commercial zones occurs within the site, giving the site split-zoning between the Industrial-Commercial and Neighborhood Commercial 3 zones. The proposed rezone would shift this zone transition to the surrounding streets: NW Market Street, 26th Avenue NW, and NW 54th Street. NW Market Street is an arterial street, which is listed above as an appropriate buffer. Although 26th Avenue NW is not a major road, it will be widened and improved with development of the site, allowing it to serve as a logical zoning boundary.

3. *Zone Boundaries*

- a. *In establishing boundaries the following elements shall be considered:*
 - (1) *Physical buffers as described in 23.34.008.E.2; and*
 - (2) *Platted lot lines.*

The site is currently a split-zoned parcel with a zone transition that is not currently located along a platted lot line or any of the physical buffers described in 23.34.008.E.2. The proposed rezone would establish the transition between Industrial-Commercial and Neighborhood Commercial along surrounding streets instead of its current location within an existing parcel and not along a platted lot line. Separation of Industrial and Neighborhood Commercial zones along existing streets is an established zoning pattern within the area surrounding the site.

- b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The project site and surrounding blocks are generally characterized by a mix of commercial, multi-family, and mixed-use development within the same block faces. Due to this existing context, avoiding zone transitions along street frontages is less important surrounding the project site than in other parts of the city where there are distinct residential and commercial areas existing side-by-side. Appropriately addressing surrounding street frontages using ground-level commercial storefront spaces and massing shifts was addressed by the applicant

through the design review process. Additionally, the development will address the maritime-industrial uses to the south with live-work units that could accommodate small scale light-industrial uses. Because of these design aspects of the proposed development, a strict separation of residential versus non-residential uses based on street frontages is not necessary in this location.

4. *In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The proposed NC3P-75 (M) zone would permit building heights greater than 55 feet. The site is located within the Ballard Hub Urban Village, which is consistent with this section.

- F. *Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.*

1. *Factors to be examined include, but are not limited to, the following:*

- a. *Housing, particularly low-income housing;*

The proposed project will not result in any reduction in existing housing stock. Furthermore, it will have a positive effect on the supply of housing on the site and its surroundings by providing 107 new residential dwelling units and 3 live/work units. The PUDA will ensure that the property is subject to the provisions of Chapters 23.58B and 23.58C. Because commercial and residential development are proposed, participation in the program will yield affordable housing through on-site performance or an in lieu payment.

- b. *Public services;*

Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services anticipated in the neighborhood plan.

Public services will be available to the project due to its location in a highly developed urban area.

Finally, the increased security provided by a developed site with security lighting and the surveillance of eyes on the street provided by multiple residents is seen as having a positive impact and may be seen as mitigating the increased demand for some public safety services.

- c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*

The potential impacts of the proposed rezone and development project are identified in greater detail in the SEPA analysis in this report. The additional height and residential density that would be permitted through the rezone will not significantly increase shadow impacts to surrounding sites. The only shared lot line condition is to the east of the proposal where the adjacent structure reaches a height of 65 feet, which is not significantly shorter than the maximum permitted height of the proposed Neighborhood Commercial 3 zone (75 feet). Shadow studies are provided in the MUP plans. No odor or noise-producing uses are proposed as part of the project. Noise excessive of the urban environment will not be produced by the project. Air and water quality will not be impacted, nor will terrestrial and aquatic flora and fauna. The project will comply with existing energy codes.

d. Pedestrian safety

The project will go through the Street Improvement Permit (SIP) review process with the Seattle Department of Transportation to ensure compliance with the most current requirements for sidewalk and landscaping improvements, including widening the sidewalks where required. The proposed development will construct sidewalks along the 26th Avenue NW and 54th Street NW frontages, which currently do not have sidewalks.

e. Manufacturing activity;

The proposed rezone to Neighborhood Commercial 3 is unlikely to negatively impact current or future manufacturing activity within the surrounding area.

The site is undeveloped. Based on information submitted by the applicant, the site has remained undeveloped throughout its history.

Letters from real estate professionals submitted by the applicant document the characteristics of the site that make it unlikely to house a significant industrial development. See letters from Colliers Seattle, dated January 6, 2022, and May 17, 2022; and Washington Real Estate Advisors dated May 17, 2022. These letters identify the relatively small size of the site, its location removed from more-competitive and accessible parts of the region, and its lack of direct access to rail and water transportation as factors that will inhibit industrial development with significant levels of employment. An additional letter dated May 22, 2022, from Pacific Fishermen, Inc., the owner of the project site, describes the various unsuccessful attempts to market the project site to various commercial and industrial uses.

The proposed rezone and associated development is unlikely to negatively impact the current industrial and manufacturing activity surrounding the site. The proposed development of the site associated with the rezone would widen and improve 26th Avenue NW to allow turning movements from industrial uses to the south of the site, which should be a positive impact for nearby industrial activity. The relatively small increase in Neighborhood Commercial 3 zoning surrounded

by industrial zoning is unlikely to result in significant noise restrictions on surrounding industrial/manufacturing uses.

f. Employment activity;

The proposed rezone is unlikely to negatively impact employment activity. As described above, the site appears to be undeveloped throughout its history and does not have the inherent characteristics to house an industrial use that would generate significant employment. The proposed rezone includes a development proposal for a mixed-use development with ground-floor commercial uses. The ground-floor commercial spaces are expected to generate employment within the project site.

g. Character of areas recognized for architectural or historic value;

There are no existing buildings on-site. There are no designated landmark buildings surrounding the site, nor any properties listed for potential landmark status. The Ballard Avenue Historic District is located two blocks to the east of the site, and the proposed rezone is not anticipated to negatively impact its character.

h. Shoreline view, public access and recreation.

The undeveloped nature of the site allows for views of the ship canal from some areas to the north of the site. Although shoreline views are currently available, the current Industrial-Commercial zoning allows for a maximum height limit of 65 feet. The proposed NC3P-75 (M) zone would increase the permitted height by 10 feet to 75 feet. The additional 10 feet of permitted height would likely have minimal additional impact on shoreline views from areas to the north of the site compared to the existing zoning.

The proposed NC3P-75 (M) zone and associated development do not appear to negatively impact public access and recreation. Improvements to 26th Avenue NW associated with the proposed mixed-use development on the project site are likely to improved public access to surrounding areas, especially to industrial uses to the south of the project site.

2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

- a. Street access to the area;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*
- e. Utility and sewer capacity;*
- f. Shoreline navigation*

The applicant submitted a Final Technical Memorandum (Transpo Group, December 9, 2021), examining potential traffic and parking impacts related to the development proposal associated with the rezone. The memorandum found that “no significant transportation impacts are anticipated as a result of the proposed mixed-use development. The proposed project vehicular, non-motorized and transit trips would be fully accommodated by the existing transportation system.” Additionally, the development will include construction/replacement of sidewalks along its three street frontages. There is currently no sidewalk along the 26th Avenue NW and NW 54th Street frontages.

The site is located within a Hub Urban Village and a frequent transit service area with a high-level of transit capacity. Significant residential development beyond the project site is anticipated within the Ballard Hub Urban Village.

The development proposal associated with the rezone includes 67 parking spaces. Based on the King County Right Size Parking Calculator the residential use site is estimated to have a parking demand rate of 0.55 stalls/unit, which results in a peak parking demand of approximately 62 vehicles. The non-residential use is expected to have a peak demand of 4 parking spaces.

With respect to utility and sewer capacity, a Water Availability Certificate will be required. No issues of water or sewer capacity are anticipated given infrastructure upgrades implemented by Seattle Public Utilities (SPU). Water capacity information provided by SPU states that a “12-inch distribution main in NW 54th St is sufficient and available for this project’s needs.”

The project site is not located within any shoreline area and therefore no impacts to shoreline navigation are anticipated.

Public comment associated with the master use permit identified a concern about potential impacts to truck traffic caused by the proposed development. Specifically, comments were concerned that the turning radii needed for truck movements to and from the adjacent industrial area to the south of the project site would be impacted by the proposed development. The current SIP, which includes improvements on surrounding streets associated with the proposed development, allows for the truck turning movements discussed in public comments. This includes the improvements associated with 26th Avenue NW adjacent to the site to the west.

G. Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this Chapter 23.34.

SDCI is not aware of changed circumstances related to elements or conditions included in the applicable rezone criteria that will need to be taken into consideration to evaluate the appropriateness of the proposed rezone. The proposed rezone can be considered using the rezone criteria and zone characteristics currently in-place.

- H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.*

The site is located in the Airport Height Overlay. The proposed NC3P-75 (M) zone and the associated development will not exceed the maximum building height permitted by this overlay district in the area surrounding the project site.

- I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.*

There are no critical areas identified on the site. This criterion is not applicable.

23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

- A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

The proposed 75-foot maximum height is consistent with the intended function of the Neighborhood Commercial 3 (NC3) zone, whose intent is to support a pedestrian-oriented shopping district and to include residences that are compatible with the retail character of the area. The development proposal associated with the rezone includes ground-floor commercial space along the NW Market Street frontage with multi-family dwellings on upper floors. The 75-foot maximum height is one of the potential height limits specified in the Land Use Code associated with the Neighborhood Commercial 3 zone, and the NC3P-75 (M) zone already exists on a portion of the site and to the east of the site.

One of the primary differences between the Neighborhood Commercial 3 zone and surrounding industrial zones is that the Neighborhood Commercial 3 zone allows for multi-family residential uses and the industrial zones do not. The development proposal associated with the rezone includes 107 multi-family residential units, which is consistent with the permitted uses of the Neighborhood Commercial 3 zone.

- B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

The relatively small height increase associated with the rezone proposal combined with the nature of existing zoning heights and topography surrounding the site makes significant impacts to views surrounding the site unlikely. The proposed rezone would result in a 10-foot increase in permitted height from the 65-foot limit in the current IC-65 (M) zone to a 75-foot limit in the proposed NC3P-75 (M) zone. The additional 10-feet of permitted height is unlikely to impact views from adjacent sites. The site is surrounded by streets on three sides and abuts an existing multi-family development along the east

property line. Although the placement of the proposed development will inhibit existing views within some units placed along the west façade of the adjacent Ballard Yards development, these views would also be inhibited by development reaching the currently permitted 65-foot height limit. Due to the relatively tall height of the current permitted development, the additional 10 feet of height is unlikely to prevent views of the ship canal from surrounding or uphill vantage points.

The proposed rezone would place relatively tall development rights in a location that is downslope from much of the surrounding neighborhood. However, this is consistent with the current zoning arrangement of the surrounding area, where a general incongruity exists between permitted zoning heights and topography. The tallest permitted building heights are located in Industrial and Commercial zones at low elevations along the Lake Washington Ship Canal and NW Market Street. Neighborhood Residential zones several blocks to the north of the site at somewhat higher elevations have the shortest permitted heights.

Although the proposed rezone would place relatively tall development rights at downslope from shorter permitted heights within the same neighborhood, this arrangement is consistent with the surrounding situation. The 10-feet of additional building height that would be permitted through the rezone is unlikely to significantly impact views from surrounding developments due to relatively tall existing development rights on the site and the relatively gradual upward slope of topography from the site to the north.

C. Height and Scale of the Area.

- 1. The height limits established by current zoning in the area shall be given consideration.*

The block face along the south side of NW Market Street is generally characterized by maximum zoning heights of 65 feet to the west of the project site and 75 feet to the east. This proposed rezone would shift the boundary of this permitted height transition approximately 150 feet to the west of its current location where it would align with 26th Avenue NW. The proposed height limit is consistent with prevailing height limits along the southern block faces of NW Market Street. Permitted building heights for block faces on the north side of NW Market Street are generally shorter, ranging from 45-75 feet. NW Market Street is a relatively wide arterial street that serves as a buffer between the taller permitted zoning on the south side of NW Market Street and the shorter permitted heights on the north side.

- 2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.*

Existing development to the east of the site within the NC3P-75 (M) zone is generally of heights comparable to the permitted 75-foot height limit. Recent mixed-use development to the east of the site shows that development within the NC3P-75 (M) zone can reach the development potential. Existing developments include the Ballard Yards development adjacent to the site to the east and the Mark 24 development on

the north side of NW Market Street. Both of these developments approach heights of 65 feet, which was the maximum permitted height at the time of their approval. The HALA rezone in 2019 subsequently allowed for a 10-foot increase in height in the Neighborhood Commercial 3 zone.

D. Compatibility with Surrounding Area.

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*

As described in sections above, the proposed 75-foot height limit is compatible with the 65-75 foot zoned height limits surrounding the site within the block faces along the south side of NW Market Street. Existing developments to the east of the site, on the north and south sides of NW Market Street, reach heights comparable to the 75-foot height limit of the proposed zone. Conversely, existing development to the west of the site is generally significantly shorter in height than the permitted 65-foot heights.

There are mitigating factors that will help the proposed 75-foot height limit to be compatible with actual shorter building heights to the west. The proposed rezone would extend the 75-foot maximum height to 26th Avenue NW, which would serve as a buffer between the taller and shorter building heights. Additionally, the development includes a massing height step-down along the west side of the site. This step-down was proposed through the design review process to allow the proposed mixed-use development to appropriately address the shorter building heights to the west.

- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.E.2, are present.*

The proposed rezone and associated mixed-use development include both physical buffers and a height and scale transition. As described above, the current zoning on the site already allows for building heights of 65-75 feet. NW Market Street is an arterial road, which serves as an effective buffer to shorter zoned and existing building heights to the north. The mixed-use development proposal associated with the rezone includes a massing height step-down along the west and south sides of the site. This step-down to a building height of four stories along 26th Avenue NW to the west and NW 54th Street to the south was proposed through the design review process to allow the proposed mixed-use development to appropriately address shorter building height context to the west and south of the project site.

E. Neighborhood Plans

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*

2. *Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.*

The Crown Hill/Ballard Neighborhood policies included in the Seattle 2035 Comprehensive Plan do not explicitly address building heights. The site and area are not located in a zone with an incentive zoning suffix. The proposed development has gone through the Design Review process, which considered aspects of scale and context in the design recommendation.

SMC 23.34.009 Conclusion: The additional height increase that would result in a change of zoning from IC-65 (M) to NC3-75 (M) would meet the criteria of SMC Section 23.34.009, as described above. The proposed height of 75 feet is not significantly taller than the current zoned height of 65 to 75 feet within the project site. It is unlikely that additional views from private property would be significantly blocked by the additional building height resulting from the contract rezone.

23.34.072 - Designation of commercial zones.

- A. *The encroachment of commercial development into residential areas shall be discouraged.*

All existing development adjacent to the site houses either an industrial or commercial development or ground-level space intended for commercial uses. There are no zone designations adjacent to the site that limit development to residential uses.

- B. *Areas meeting the locational criteria for a neighborhood residential designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.*

Because the site is located within the Ballard Hub Urban Village and is not located in an area where the primary building type is single-family residential, it does not meet the locational criteria for neighborhood residential designation.

- C. *Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.*

The site is located more than 800 feet from the closest Neighborhood Residential zone and is separated from that zone by Industrial and Lowrise zones. Because of this significant separation, the proposed rezone will not conflict with the preferred configuration of residential uses and the edge protection of residential zones.

- D. *Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*

The proposed Neighborhood Commercial zone currently extends from the site to the east to the Ballard Ave. Landmark District. Current development in this zone is compact with continuous storefronts and sidewalks with few intervening streets, alleys, and driveways. The development associated with the proposed rezone would extend this type of compact

development across the site frontage with ground-level commercial space with storefront windows along the sidewalk.

- E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.*

The proposed rezone would maintain the ability to place commercial uses along NW Market Street, which is a primary mixed-use street in Ballard. Continuous ground-level commercial uses connect the project site to the Ballard Ave Landmark District to the east. Development to the west of the site in the Industrial-Commercial zone is generally developed with uses that are also permitted in commercial zones.

23.34.076 - Neighborhood Commercial 2 (NC2) zones, function and locational criteria.

- A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:*

- 1. A variety of small to medium-sized neighborhood-serving businesses;*
- 2. Continuous storefronts built to the front lot line;*
- 3. An atmosphere attractive to pedestrians;*
- 4. Shoppers can drive to the area, but walk from store to store.*

- B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:*

- 1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;*
- 2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*
- 3. Lack of strong edges to buffer the residential areas;*
- 4. A mix of small and medium sized parcels;*
- 5. Limited or moderate transit service.*

23.34.076 Conclusion: The project site is located on the western edge of a blocks-long area that is zoned Neighborhood Commercial 3 (NC3). Within this portion of Ballard, the NC3 zone is more suitable than the Neighborhood Commercial 2 (NC2) because:

- NW Market Street is a primary, not secondary, business district in the Ballard Hub Urban Village.

- Strong edges and zoning buffers exist within this neighborhood between residential-only and non-residential and mixed-use zones.
- The site and surrounding parcels along NW Market Street lack small parcels that are generally found in low or medium-density residential areas.
- The site and surrounding area have a relatively high level of transit service due to its location in a frequent transit service area.

23.34.078 - Neighborhood Commercial 3 (NC3) zones, function and locational criteria.

A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:

- 1. A variety of sizes and types of retail and other commercial businesses at street level;*
- 2. Continuous storefronts or residences built to the front lot line;*
- 3. Intense pedestrian activity;*
- 4. Shoppers can drive to the area, but walk around from store to store;*
- 5. Transit is an important means of access.*

The characteristics of adjacent pedestrian-oriented shopping district and the proposed development associated with this rezone request will allow for seamless commercial and pedestrian continuity through the site. The project site is located along NW Market Street, which is a primary mixed-use street in Ballard. Continuous ground-level commercial storefront spaces link the project site to the Ballard Avenue Historic Landmark District located approximately two blocks to the east. The surrounding blocks linking the site to the rest of the Ballard commercial areas have continuous sidewalks, allowing for pedestrian activity. The project site is also located within a frequent transit service area, which designates areas with high levels of transit service. The proposed development includes continuous commercial uses along NW Market Street with storefront windows and outdoor spaces that could be used for seating.

B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

- 1. The primary business district in an urban center or hub urban village;*

The site is located in the Ballard Hub Urban Village and has primary frontage along NW Market Street, which serves as a primary commercial street within Ballard.

- 2. Served by principal arterial;*

The site is located on the south side of NW Market Street, which is a minor arterial street in this location. The minor arterial designation extends approximately a half-mile to the east to 15th Avenue NW, where NW Market Street becomes a principal arterial. Neighborhood Commercial 3 is the primary

zoning designation along the north and south sides of NW Market Street between the site and 15th Avenue NW, where the principal arterial designation begins.

3. *Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*

The site has significant separation from low-density residential areas. The site is more than 800 feet from the closest Neighborhood Residential zone, where single-family dwellings are the primary land use. Several streets separate the site from this zone, as well as a gradual zoning transition from Neighborhood Commercial to Lowrise residential to Neighborhood Residential zoning.

4. *Excellent transit service.*

The site is located within a frequent transit service area, which means that the site is located within 1,320 feet walking distance of a bus stop served by a frequent transit route.

23.34.086 - Pedestrian designation (suffix P), function and locational criteria.

- A. *Function. To preserve or encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored, and the following characteristics can be achieved:*

1. *A variety of retail/service activities along the street front;*
2. *Large number of shops and services per block;*
3. *Commercial frontage uninterrupted by housing or auto-oriented uses;*
4. *Pedestrian interest and activity;*
5. *Minimal pedestrian-auto conflicts.*

The pedestrian designation is appropriate with the proposed rezone because the project site abuts an existing Neighborhood Commercial zone with a pedestrian designation and the physical characteristics of the proposed development will extend the pedestrian-oriented characteristics of existing development. The development associated with the proposed rezone would extend a commercial district along the south side of NW Market Street where continuous ground-level commercial uses connect the project site to the Ballard Ave Landmark District to the east. This continuity of commercial storefronts reflects the intensity and variety of commercial uses and also the continuity of pedestrian interest along the south side of NW Market Street. Outside of public street and alley crossings, there are few locations where vehicles have the ability to cross pedestrian pathways. The lack of driveway connections minimizes the potential for conflicts between pedestrians and vehicles.

- B. *Locational criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:*

1. *Pedestrian district surrounded by residential areas or major activity centers; or a commercial node in an urban center or urban village;*

2. *NC zoned areas on both sides of an arterial, or NC zoned block fronts across an arterial from a park, major institution, or other activity center; and*
3. *Excellent access for pedestrians, transit, and bicyclists.*

The site is located in a commercial node in the Ballard Hub Urban Village along an arterial roadway (NW Market Street) with Neighborhood-Commercial zoning on both sides of the street. The Burke-Gilman Trail, a recreational trail uses for walking, running, bicycling, etc., is located along the site frontage in the NW Market Street right-of-way. With continuous sidewalks and storefronts along NW Market Street, the presence of the Burke-Gilman Trail, and a location within a frequent transit area, the location of the proposed rezone meets these criteria to apply the Pedestrian (P) designation.

23.34.090 Designation of industrial zones.

- A. *The industrial zones are intended to support existing industrial activity and related businesses and provide for new industrial development, as well as increased employment opportunities.*

Information provided by the applicant shows that the site, though in close proximity to existing industrial uses, has not been developed into an industrial use throughout its history.

The applicant has submitted information to demonstrate that the project site is not ideal for the development of a new industrial use due to its characteristics and location. Three letters from real estate professionals document the characteristics of the site that make it unlikely to house a significant industrial development. See letters from Colliers Seattle, dated January 6, 2022, and May 17, 2022; and Washington Real Estate Advisors dated May 17, 2022. These letters identify the relatively small size of the site, its location removed from more-competitive and accessible parts of the region, and its lack of direct access to rail and water transportation as factors that will inhibit industrial development with significant levels of employment. An additional letter dated May 22, 2022, from Pacific Fishermen, Inc., the owner of the project site, describes the various unsuccessful attempts to market the project site to various commercial and industrial uses.

- B. *Industrial areas are generally well-served by rail, truck and water transportation facilities and do not require direct vehicular access through residential zones.*

The site is located along the north side of 54th Avenue NW, which contains a rail spur. A short line railroad operates on this spur. Although the rail spur is located within a street adjacent to the site, the spur is on the south side of the street, opposite the site, where it could not directly access the project site. The lack of direct access to the project site by the rail spur makes the project site an unlikely customer of the short line railroad.

The Pacific Fisherman Shipyard is located on the south side of 54th Avenue NW on the same block face as the site.

- C. *Relative isolation from residential zones either by distance or physical buffers shall be preferred in the creation of new industrial zones.*

The site is relatively isolated from zones that are defined as residential zones by the Seattle Land Use Code. The closed residential zones are located north of the NW Market Street

corridor. However, a significant amount of the surrounding industrial land is adjacent to Neighborhood Commercial zoning, which allows for multi-family residential uses and has seen significant recent multi-family development. Recent development includes the Ballard Yards mixed use development, which is located adjacent to the project site and includes ground-level commercial space along NW Market Street and 171 residential units.

- D. Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, are preferred to accommodate an industrial designation.*

The project site is located in a developed urban area that has historically housed industrial uses.

- E. 1. Economic Development. Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms in Seattle, or increased employment, especially employment that adds to or maintains the diversity of job opportunities in Seattle. Land proposed to be assigned an industrial designation shall be suitable for manufacturing, research and development and other industrial uses and shall meet the locational criteria for the industrial zone.*
- 2. The rezone shall enhance and strengthen the industrial character of an area.*

Development within industrially-zoned parcels similar in size to the project site in Ballard and Fremont within the last 10 years appears to generally result in office uses. Examples include office buildings at 3417 Evanston Avenue N., 146 N. Canal Street, and 401 N. 36th Street. Staff found one example of a similar site that redeveloped as a light manufacturing use. Western Fire and Safety is a one-story building on the north side of NW Market Street, several hundred feet to the west of the project site. Although this site developed a light manufacturing use, the one-story development is significantly smaller than the permitted FAR on the subject site. Based on this evidence and marketing and real estate information discussed above, maintaining the Industrial-Commercial zoning on the project site is unlikely to allow for business expansion, retention of manufacturing and industrial uses, increase employment, maintain job opportunities in Seattle, or strengthen the industrial character of the area.

- F. In determining appropriate boundaries with residentially and commercially zoned land, the appropriate location and rezone criteria shall be considered.*

The project site has had split-zoning between industrial and commercial zones since at least the 1960s. This split-zoning creates land use conflicts between zones with different permitted uses and development standards. The proposed rezone would eliminate these conflicts by placing the entire project site within the Neighborhood Commercial 3 zone and shifting the zone transition to surrounding industrial zones to the street frontages surrounding the site. The rezone would also unify the block containing the project site into the Neighborhood Commercial 3 zone. Analysis of potential zones for the project site shows that the project site best meets the locational criteria of the Neighborhood Commercial 3 (NC3) zone.

G. Rezoning of Industrial Land. Rezoning of industrial land to a less-intensive zone shall be discouraged unless most of the following can be shown:

1. The area does not meet the locational criteria for the industrial zone.

The site is not consistent with most locational criteria for the current Industrial-Commercial zoning located on the project site. The locational criteria for this zone focuses on the attraction of industrial uses related to the technology and research and development sectors. The size and location of the site, along with the lack of institutions and concentration of similar uses make the project site unlikely to develop into one of these uses.

2. The rezone will not decrease industrial development and employment potential, especially manufacturing employment.

The rezone is unlikely to decrease industrial development and manufacturing employment potential. The site is currently vacant. Based on available public records and information submitted by the applicant, the site has not been developed or served as a significant source of industrial development or employment throughout its history. The applicant has submitted several letters from real estate professionals supporting its lack of development potential as an industrial use. Examination of new development within Ballard and Fremont industrially-zoned areas by SDCI staff shows that new development is primarily for office, not industrial uses.

3. The rezone would not result in existing industrial uses becoming nonconforming.

There are no established uses on the site that would become nonconforming through the rezone.

4. The area clearly functions as a residential or commercial zone, has little or no potential for industrial development, and would not lead to further encroachment of residential, office, or retail uses into industrially zoned land located adjacent to or near the proposed rezone.

The project site is located on a block face along NW Market Street with consistent mixed-use development containing ground-level commercial uses with storefront windows facing the street and upper-level residential uses. Examination of recent development in the surrounding industrial zones and additional marketing and real estate information supplied by the applicant support the applicant's assertion that the site has little potential for industrial development. Although the proposed rezone would allow for retail and residential uses on land currently zoned industrial, the resulting zone change would clarify zoning boundaries for a split-zoned parcel by placing them along surrounding streets.

5. The rezone shall be consistent with the Seattle Shoreline Master Program.

The site is not located within a shoreline environment.

6. The area is not part of an adopted Manufacturing/Industrial Center (MIC).

The site is located adjacent to the Ballard Interbay Northend Manufacturing and Industrial Center (BINMIC), which includes the properties located along the south side of 54th Street NW. The site is not located within the BINMIC.

H. Compatibility With Scale and Character of Surrounding Area-Edges. In general, a transition in scale and character shall be provided between zones. A gradual change in height limit or an area of transition (e.g., commercial zone between residential and industrial zones) shall be provided when the area lacks physical edges. Rezones shall achieve a better separation between residential and industrial zones, significantly reducing or eliminating major land use conflicts in the area. The following elements shall be considered physical edges or buffers:

- 1. Natural features such as topographic breaks, lakes, streams, ravines and shorelines;*
- 2. Freeways, expressways, other major traffic arterials, and railroad tracks;*
- 3. Changes in street layout and block orientation;*
- 4. Open spaces and greenspaces.*

The current zone transition between the Industrial-Commercial and Neighborhood Commercial 3 zones occurs within the project site, making it split-zoned between two zones with conflicting standards. The proposed rezone would remove this land use conflict by designating the entire project site as Neighborhood Commercial 3 and shifting the zone transition to Industrial-Commercial to surrounding street frontages. Although the transition would not occur along any of the significant features listed above, transitions between Neighborhood Commercial and Industrial-Commercial zones along street frontages are common surrounding the site. The rezone would also place the entire block containing the site into the Neighborhood Commercial 3 zone.

I. Existing Pattern of Development. Consideration shall be given to whether the area is primarily industrial, commercial, residential, or a mix, and whether the area is fully developed and in need of room for expansion, or minimally developed with vacant parcels and structures.

The surrounding area is developed with a mix of commercial, residential, and industrial uses. Newer developments surrounding the site are primarily located in the Neighborhood Commercial zone and combine multi-family residential uses with ground-level commercial uses. Much of the surrounding area zoned Industrial-Commercial or Industrial-Buffer along the north and south sides of NW Market Street to the west of the site is occupied by uses that would be permitted in Neighborhood Commercial zoning like offices, restaurants, and museums. These uses are generally significantly smaller in floor area than permitted by the underlying industrial zones. The modest size and non-industrial uses characterizing development within the industrial zones along NW Market Street, combined with the apparent lack of development within the project site throughout its history provides evidence that the industrial zoning does not need to be expanded.

23.34.094 - Industrial Buffer (IB) zone, function and locational criteria.

A. Function. An area that provides an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or pedestrian character.

B. Locational Criteria. Industrial Buffer zone designation is most appropriate in areas generally characterized by the following:

- 1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC).*
- 2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.*

C. Zone Boundaries. The boundaries and overall depth of the Industrial Buffer (IB) zone shall vary according to the specific conditions of each area, so that an adequate separation between industrial activity and less-intensive zones can be provided to reduce through traffic, noise, visual conflicts, and other impacts of industrial development. However, where there are no special features or other conditions to provide sufficient buffer depth, a distance ranging from three hundred (300) to five hundred (500) feet shall be maintained as a buffer. Within an industrial area, the following conditions help establish the transition desired between industrial areas and less-intensive zones and should be considered in establishing boundaries separating the Industrial Buffer zone from the rest of the industrial area:

- 1. Topographic Conditions. Significant changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.*
- 2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.*
- 3. Grid and Platting Patterns. Changes in block sizes, shifts in the street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.*
- 4. Special Features. Certain natural or built features such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone.*

The Industrial Buffer zone criteria above describe the zone's intent to serve as a buffer between intense industrial zones and zones allowing for residential uses. The project site is located within a portion of Ballard with relatively abrupt shifts between industrial zones and Neighborhood-Commercial zones with residential uses, primarily on the block containing the project site and blocks to the east of the project site. The placement of Industrial Buffer on the western portion of the project site would have minimal effect on improving the buffer between the industrial and Neighborhood-Commercial zones in this area where the interface

between Neighborhood-Commercial and Industrial-General zones is approximately a half-mile long. Additionally, the Zone Boundaries portion of the Industrial Buffer criteria specify that a range of 300 to 500 feet should be maintained as a buffer depth. A rezone of the project site along would not achieve this amount of depth.

23.34.096 Locational criteria—Industrial Commercial (IC) zone.

The Industrial Commercial (IC) zone is intended to promote development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research and development, while accommodating a wide range of other employment activities. In reviewing a proposal to rezone an area to Industrial Commercial (IC), the following criteria shall be considered:

- A. Areas with amenities such as shoreline views, proximity to downtown, or access to public open spaces that could provide an attraction for new businesses, particularly new technology-oriented and research and development activities which might otherwise be likely to seek locations outside the City;*

The site has shoreline views to the Lake Washington Ship Canal. However, it does not have proximity to downtown or access to public open spaces. The closest public open space of significant size is Ballard Commons Park, which is located approximately a quarter mile to the northeast of the project site.

The applicant has submitted documentation of owner's unsuccessful attempts to market the site to various types of uses, including other commercial and industrial uses, other types of industrial uses, and commercial uses similar to those already located along NW Market Street. As described in Part E below, a letter from a real estate company, submitted by the applicant, describes why the project site is unlikely to house technology-oriented development.

- B. Areas in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses;*

The site is not in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses. The closest major institution is Ballard Swedish Medical Center which is just over ¼ mile to the east.

- C. Former industrial areas which are undergoing a transition to predominantly commercial or mixed commercial and industrial activity, but where transportation and/or other infrastructure capacities are constrained and can only accommodate modest growth without major improvements;*

The various industrial zones along NW Market Street to the west of the site represent a former industrial area that has transitioned to small-scale commercial uses. However, transportation and other infrastructure capacities are not constrained in this area. The site is located within the Ballard Hub Urban Village where higher residential densities and employment intensity are encouraged. New development surrounding the site is generally characterized by mixed use development with ground-level commercial/retail uses and upper-level multi-family residential uses. Conversely, existing development in industrial

zones along NW Market Street in proximity of the site are generally significantly smaller in floor area than the zoning would permit.

- D. Areas where there is an existing concentration of technology-oriented and research and development uses which may be subject to displacement by commercial development;*

There is not an existing concentration of technology-oriented research and development uses in the area surrounding the site. Existing uses in the surrounding industrially-zoned land are generally characterized by maritime-industrial uses located along the ship canal and industrial and neighborhood-supportive business (eg. restaurants, storage, building supply uses) along NW Market Street.

- E. Areas which are underutilized and, through substantial redevelopment, could provide the type of campus-like environment attractive for new technology-oriented industrial and commercial development.*

The surrounding area is developed with few vacant properties. The site is surrounded by public streets and recently-developed land. Though vacant, the project site is relatively small. The applicant submitted a letter from Colliers Real Estate, dated January 6, 2022, stating that the project site “would not be a candidate for a future tech-oriented R&D business, nor a campus-like environment for new tech-oriented industrial development. It does not have the characteristics to provide a campus-like environment attractive a campus-like environment for technology-oriented industrial and commercial development.” The letter adds that “This is due to the site’s small size and the lack of demand in West Ballard for this type of use, compared to more competitive areas in South Lake Union, Kirkland and Bellevue. Additionally, this type of use wants to be closer to freeways and urban centers, not residential neighborhoods that are more access constrained.”

23.34.128 - Seattle Mixed (SM) zone, function and locational criteria.

In considering rezones to the SM zone designation, the following function and locational criteria shall be taken into consideration:

- A. Function. An area within an urban center, urban village, or station area overlay district that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation;*

The site is located in a hub urban village, and the surrounding area includes a diverse range of uses. The proposed rezone and associated development would be consistent with other mixed use development along NW Market Street to the east of the site.

- B. Transportation and infrastructure capacity. An area that is well-served by transit and vehicular systems and where utility infrastructure is adequate, or where such systems and infrastructure can be readily expanded to accommodate growth;*

The surrounding area is well-served by transit, vehicular systems, and infrastructure.

- C. Relationship to surrounding activity. An area that either provides a transition from, or is compatible with, an adjacent neighborhood that is densely developed or zoned for high*

density mixed use; or an area where a transition to higher density mixed use is desired, either within a larger area characterized primarily by commercial or industrial activity, or within an area where significant investment in public transit infrastructure can accommodate greater density and adequate transition with surrounding areas can be provided;

The site is located at a transition point between the mixed-use development character of downtown Ballard and the industrial zones to the west along the Lake Washington Ship Canal and NW Market Street. Although a transition in uses exists between the Neighborhood Commercial and industrial zones, the transition in permitted building heights is minimal. The existing NC3P-75 (M) zone on the eastern portion of the site extending to the east has a maximum permitted height of 75 feet. The adjacent Industrial-Commercial and Industrial-General designations have permitted maximum heights of 65 feet. A gradual transition in zones already exists to the north of the site, separating commercial and industrial zones from areas with lower-density residential uses. The minimal difference in permitted building heights in the existing transition between industrial and Neighborhood Commercial zones, combined existing zoning transitions separating residential zones from more-intense non-residential and mixed-uses zones, already serves the purpose of the SM zone to provide a tailored zoning transition to a specific area.

D. Mix of use. In general, the zone is suitable for a wide range of uses. However, an area within the SM zone may be identified for the purposes of encouraging a primarily residential character. Within these areas, non-residential uses shall generally be of modest scale or neighborhood-serving in character.

The area surrounding the site is characterized by a diverse mix of uses including industrial, commercial, and multi-family residential. Using the flexibility of the SM zone is not necessary in this location to promote a primarily residential character or to reduce the scale of non-residential uses.

23.34.128 Conclusion: The Seattle Mixed (SM) zone is intended to permit a wide range of land uses and development intensities. Development standards, such as maximum building height and floor area, are tailored to specific transition issues in the areas where the SM zone is used.

The SM zone designation is currently deployed in specific geographic areas listed in Table A for SMC 23.48.002, not to individual parcels that are discontinuous and distinct from those areas. The site is not located in proximity to an existing SM zone designation for a listed geographic area.

The criteria listed above emphasize that the SM zone is generally used in transition areas. Although there are significant use transitions surrounding the site between industrial and Neighborhood Commercial zones, permitted building heights are not significantly different. Gradual transitions between intense development and lower-density residential areas already exist surrounding the site.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, the SEPA analysis of the rezone and project proposal, and the provisions in SMC 23.34, the Director recommends that the proposed contract rezone from Industrial-Commercial [IC-65 (M)] to Neighborhood Commercial 3 [NC3P-75 (M)] be approved.

The Director recommends conditions to be included in the PUDA; these are listed at the end of this report.

III. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, signed July 19, 2021. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

SHORT TERM IMPACTS

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes greenhouse gas emissions, construction traffic and parking impacts, construction-related noise, and environmental health, as well as mitigation.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted, and a condition for a Construction Management Plan is recommended, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#).

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Neighborhood Commercial zones.

If extended construction hours are necessary due to emergency reasons or construction in the right of way, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

The Director recommends a condition that a Construction Management Plan be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#). The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Environmental Health

The applicant submitted studies regarding existing contamination on site (*“Phase I Environmental Site Assessment Report, 2501 Northwest Market Street Seattle, Washington Parcel No. 112503-9037”*, Prepared For: Ms. Jordan Selig by Kane Environmental Inc., dated March 5, 2021; *“Supplemental Phase II Environmental Site Assessment, 2501 NW Market Street Seattle, Washington 98042 King County Assessor’s Parcel No. 112503-9037”*; Prepared For: Jordan Selig, dated March 8, 2022, by Kane Environmental Inc.; *Cleanup Action Plan 2501 NW Market Street, Seattle, WA, Prepared for: J. Selig Real Estate, LLC, dated May 2022, by Infinity Solutions Group*) explaining potential soil and groundwater cleanup procedures and compliance with the Model Toxics Control Act requirements.

If not properly handled, existing contamination could have an adverse impact on environmental health.

As indicated in the SEPA checklist and the Cleanup Action Plan, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the Cleanup Action Plan are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The Cleanup Action Plan describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology (Ecology) regulatory authority.

Mitigation of contamination and remediation is in the jurisdiction of Ecology, consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

The proposed strategies and compliance with Ecology’s requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development and no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

LONG TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including the following: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas

emissions, historic resources, height bulk and scale, parking, public views, and transportation warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Resources

The project is within the U. S. Government Meander Line buffer that marks the historic shoreline – an area with the potential for discovery of pre-contact and early historic period resources. The applicant submitted an *Archaeological Resource Report for the 2501 NW Market St. Development Project, Seattle, Washington* (Historical Research Associates, Inc., March 8, 2022), which indicated that the lack of significant previous ground disturbance on the east side of the site greatly increases the likelihood of finding precontact artifacts.

Since the information showed there is probable presence of archaeologically significant resources on site, Section B of Director's Rule 2-98 applies. The report included further analysis and a mitigation plan prepared by a professional archaeologist, consistent with Section B of the Director's Rule. The archaeological resource report recommended additional archaeological monitoring during future ground-disturbing activities at depths below modern fill depths down to 25 feet. The Director recommends a condition of approval to provide an archaeological monitoring and discovery plan prepared by a qualified professional; the plan shall be consistent with the recommendations in the Archaeological Resource Report (Historical Research Associates, Inc., March 8, 2022) on file.

Furthermore, SDCI received letters (August 19, 2021; March 4, 2022) from the Duwamish Tribe indicating the project is near a highly culturally significant site with a high probability of having unknown archaeological deposits, and requested notification should any archaeological work be performed. The archaeological monitoring and discovery plan shall include a statement that the Duwamish Tribe shall be notified in the event of archaeological work.

In addition to the condition of monitoring during construction, the following conditions are also recommended to mitigate impacts to potential historic resources, per SMC 25.05.675.H and consistent with Section B of Director's Rule 2-98:

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

During Construction:

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify the SDCI Land Use Planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Height, Bulk, and Scale

The proposal completed the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate height, bulk and scale impacts are adequate and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 107 residential units, 3 live/work units and 2,911 square feet of commercial space with 67 off-street vehicular parking spaces. The traffic and parking analysis (Transpo Group, Final Technical Memorandum, December 9, 2021) was based on a project description of 112 residential units, 4,842 square feet of commercial space and 67 parking spaces; however, the difference is negligible and anticipated parking demand may be equal or less than analyzed. The analysis indicates a peak residential demand for approximately 62 vehicles and a peak non-residential demand for 4 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the total peak parking demand for this development is 66 vehicles. The number of proposed parking spaces accommodates all of the anticipated parking demand, and no additional mitigation is warranted per SMC 25.05.675.M.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. NW Market Street is a SEPA Scenic Route. The applicant provided a Scenic Corridor Study (MUP Land Use Correction Notice #1 Response (pages 73-83), Mithun January 14, 2022) showing the proposed development in relation to the designated public views in SMC 25.05.675.P. Due to existing dense landscaping along the NW Market Street site frontage and intermediate development, the proposed development will not block any existing views of the ship canal to the south. Due to topography and existing intermediate development, there are no existing views of the Olympic and Cascade Mountains to the east and west from NW Market Street, or the downtown skyline to the southeast. The proposed development does not block views of any nearby historic landmarks.

Additional mitigation is not warranted under SMC 25.05.675.P.

Transportation

The Traffic Impact Analysis (Transpo Group, Final Technical Memorandum, December 9, 2021) indicated that the project is expected to generate a net total of 376 daily vehicle trips, with 19 net new PM peak hour trips and 23 AM peak hour trips.

The additional trips are expected to distribute on various roadways near the project site, including NW Market Street NW, Shilshole Avenue NW, 24th Avenue NW, NW 54th Street, and 26th Avenue NW and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

RECOMMENDED CONDITIONS – REZONE

The Director recommends approval of the contract rezone from IC-65 (M) to NC3P-75 (M) subject to the following conditions, which should be contained in the PUDA:

Prior to Issuance of a Building Permit

2. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU.

For the Life of the Project

3. Maintain non-residential uses along the south side of the building.

RECOMMENDED CONDITIONS – SEPA

Prior to Issuance of Master Use Permit

4. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to Issuance of Demolition, Grading, or Construction Permit

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website.
6. Provide an archaeological monitoring and discovery plan prepared by a qualified professional; the plan shall be consistent with the recommendations in the Archaeological Resource Report (Historical Research Associates, Inc., March 8, 2022) on file and include statement that the Duwamish Tribe shall be notified in the event of archaeological work.

During Construction

7. Archaeological monitoring shall occur consistent with the archaeological monitoring and discovery plan submitted in response to condition 6.
8. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify the SDCI Land Use Planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Greg Johnson, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: January 5, 2023

GJ:rgc
3037590-LU Decision.docx

CLARIFIED¹ FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of Application of

Hearing Examiner Files:
CF 314470-LU

JODI PATTERSON-O'HARE

Department References:
3037590-LU

For a Rezone of Property at NW Market Street.

FINDINGS OF FACT

1. Introduction. Request for a contract rezone from IC-65 (M) (Industrial Commercial) to NC3P-75 (M) (Neighborhood Commercial with a Pedestrian Designation) at 2501 NW Market Street, in the Ballard Hub Urban Village. The site is undeveloped and used as storage. It is split-zoned, with both Industrial Commercial and Neighborhood Commercial zoning. The Applicant is requesting removal of the split zoning, so the entire site has the same Neighborhood Commercial zoning throughout.

2. Hearing. A properly noticed public hearing² was remotely held January 31, 2023. The Seattle Department of Construction and Inspections ("Department"), through Greg Johnson, described the proposal. The Applicant, through Ian S. Morrison, McCullough Hill PLLC, introduced the project and called two witnesses, Bill LaPatra, a Mithun architect with USGBC LEED accreditation,³ and Jordan Selig, with Selig Real Estate LLC. No member of the public indicated a wish to testify, but in case anyone had technical difficulty connecting, the record was kept open through day end. No further comment was received.

3. Exhibits. The Department submitted Exhibits 1-68 and the hearing notice (Exhibit 69). During the hearing, the Department utilized a power point presentation (Exhibit 70). The Applicant submitted five exhibits (Exhibits 71-75). All exhibits were admitted without objection. No written public comment was submitted to the Examiner.

4. Site Visit. The Examiner visited the site on February 7, 2023. The visit provides context, but is not evidence.

5. Site and Area. Neighborhood Commercial zoning is on the site's eastern quarter and

¹ The Department requested clarification on whether Attachment 1's SEPA conditions should be noted as Department recommended instead of required. Because the Department intended the conditions for Council determination, Attachment 1 and Findings 6 and 8 were clarified.

² Exhibit 69; SMC 23.76.052(C). No concerns on notice were raised.

³ Exhibit 70 (Resume).

to the east, with industrial zoning on the site's western three-quarters and to the west and south. To the north, the zoning transitions from industrial and commercial along NW Market Street to multi-family.⁴

Public streets surround the site on three sides, with NW Market Street to the north, NW 54th Street to the south, and 26th Avenue NW to the west. The Burke-Gilman Trail runs along the north side within the NW Market Street right-of-way. A railroad spur is on the south side of the NW 54th Street right-of-way, opposite the site.⁵

Recent area development includes a 6-story mixed use development across NW Market Street to the north and a 7-story mixed-use development to the east. A shipyard is to the south. One-story commercial buildings are across 26th Avenue NW to the west, separating the site from the Nordic Heritage Museum, about 300 feet west.⁶

Along NW Market Street, running east, the corridor is generally a walkable commercial area transitioning from existing 1-2 story buildings to taller mixed-use buildings. Three blocks east is the Ballard Avenue Landmark District area. NW Market Street transitions to a more car-oriented development style to the west, with lower density development and surface parking areas. To the south, uses transition quickly to maritime industrial uses related to shipping and warehouse uses along Salmon Bay, generally characterized by simple one-two story warehouse and storage structures constructed with wood, metal, or brick. Beyond NW Market Street to the north, uses transition to lower density residential development.⁷

6. Written Comments. Public review was afforded through the Early Design Guidance Meeting and environmental review. The Department reviewed and conditionally approved the Design Review Board recommendation, finding it consistent with the Seattle Design Review Guidelines.⁸ The Department also reviewed the project through the State Environmental Policy Act, Ch. 43.21C, identifying several conditions and finding the proposal does not have significant environmental impacts.⁹ These decisions were not appealed. The Department Recommendation addressed comments received, which are included in the exhibits, and the Applicant provided several letters of support.¹⁰ No public comments were submitted directly to the Examiner,

7. Project Details. The rezone is coupled with a specific development project. The below image is not to scale, but provides an illustration:¹¹

⁴ Exhibit 1 (Department Decision and Recommendation), p. 2.

⁵ Exhibit 1 (Department Decision and Recommendation), p. 2; Testimony, Mr. Johnson and Mr. LaPatra.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*, p. 29, with the condition at p. 65.

⁹ *Id.*, pp. 64-66, with the conditions at pp. 65-66.

¹⁰ Exhibit 4 (Public Comments); Exhibit 5 (Application submittal information), p. 5, identifying Ballard Alliance, Pacific Fisherman Inc./Pacific Fisherman Shipyard, Alaska Bering Sea Crabbers, Norwegian American Chamber of Commerce, Warren Aakervick (Ballard Oil, retired), and Freezer Long Line Coalition; Exhibit 72 (Applicant Rezone Presentation/Point Point), pp. 28-29, attaching ten supporting letters.

¹¹ Exhibit 72 (Applicant Power Point Presentation), p. 1.



The site is within the Ballard Hub Urban Village. It has no direct water access and lacks a direct rail connection. The spur in NW 54th Street is separated by about 27 feet of right of way, including an operating travel lane, requiring offloading transportation through the right of way, which is prohibited.¹² Also, the Neighborhood Commercial zoning with a pedestrian designation found along Market Street prohibits the industrial uses which could utilize the spur.¹³ Located along Ballard's key Market Street corridor, the rezone and project would:

- Provide 107 new apartments in an eight-story building with 3 live/work units and retail.
- Establish retail along the Market Street corridor.
- Include double-paned windows in the south-side residential units closest to maritime uses for noise buffering.
- Provide safer freight access for larger trucks through a 14-foot dedication on 26th Avenue NW.
- Enhance the pedestrian environment with pedestrian-oriented improvements on Market Street, 26th Avenue NW, and 54th Street NW.¹⁴

8. Department Review. The Department recommended approval with two conditions. The two conditions ensure development is constructed as proposed and reviewed. At the hearing, the Department and Applicant clarified condition language related to the live-work units. SEPA and Design Review conditions have also been incorporated into the project to further address design, construction management, and archaeological resources, with the SEPA conditions being recommended and subject to Council review. All conditions are listed in the attachment at the end of this Recommendation. The Department Recommendation includes considerable detail on the rezone criteria and is incorporated.¹⁵

¹² SMC 11.74.060.A.2.

¹³ SMC 23.47A.005.D.

¹⁴ Exhibit 5 (Application submittal information); Exhibit 1 (Department Decision and Recommendation), p. 1.

¹⁵ Exhibit 1.

CONCLUSIONS OF LAW

1. Jurisdiction. The Hearing Examiner has jurisdiction to issue a recommendation on the rezone, while the Council makes the final decision.¹⁶

2. Criteria, Summary. Criteria for assessing a site-specific rezone request are at SMC 23.34.004 (contract rezones), 23.34.006 (MHA suffixes), 23.34.007 (rezone evaluation), 23.34.008 (rezone criteria), 23.34.009 (height limits), 23.34.072 (commercial zones), 23.34.076 (NC2 zones), 23.34.078 (NC3 zones), 23.34.086 (pedestrian designations), 23.34.090 (industrial zones), 23.34.094 (IB zone), 23.34.096 (IC zone), and 23.34.128 (Seattle Mixed or SM zone). Despite the considerable level of often overlapping criteria, the key consideration is zoning compatibility with the land use planning for the area.

3. Contract Rezone. As this is a contract rezone, a Property Use and Development Agreement or PUDA will be executed and recorded.¹⁷ The code details payment and performance requirements.¹⁸ The PUDA should include conditions requiring property development to substantially conform with the approved plans for Master Use Permit #3037590-LU and addressing the south side live/work units.¹⁹

4. “M” and “P” Suffixes: Mandatory Housing Affordability and Pedestrian Designations. With the proposed zoning, the project will be subject to MHA requirements at SMC 23.58B and/or 23.58C. Both existing zones within the site contain an “M” suffix and the site should have an “M” suffix under the proposed zoning.²⁰ The Applicant proposed the MHA performance option, as sheet G2.03 of the Plan Set for Master Use Permit #3037590 indicates. With the rezone to NC3, the “P” suffix, or Pedestrian designation will also apply, as the Applicant proposed.²¹

5. Rezone Evaluation, SMC 23.34.007. Applicable sections of Ch. 23.34 SMC on rezones are weighed and balanced together to determine the most appropriate zone and height designation.²² Zone function statements are used "to assess the likelihood that the area proposed to be rezoned would function as intended."²³ "No single criterion ... shall be applied as an absolute requirement or test of the appropriateness of a zone designation ... unless a provision indicates the intent to constitute a requirement...."²⁴ The most appropriate zone designation is the one "for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation."²⁵

¹⁶ SMC 23.76.004(C); SMC 23.76.004, Table A.

¹⁷ SMC 23.34.004.

¹⁸ See e.g., Ch. 23.58B and .58C SMC.

¹⁹ Exhibit 3a.

²⁰ SMC 23.34.006.

²¹ See e.g., Exhibit 1 (Department Decision and Recommendation), pp. 31-32.

²² SMC 23.34.007.

²³ SMC 23.34.007(A).

²⁴ SMC 23.34.007(B).

²⁵ SMC 23.34.008(B).

6. Match Between Zone Criteria and Area Characteristics, SMC 23.34.008(A) and (B). The proposal is consistent with Comprehensive Plan growth targets. It increases the zoned capacity of residential and does not significantly alter employment capacity for the Ballard Hub Urban Village or for urban villages as whole. The proposal meets criteria for best matching the characteristics of the area with the appropriate zoning district. The site is split zoned. The proposal would allow the parcels to be within the same zone. Besides unifying the zoning and easing redevelopment, the rezone allows an intensification of residential use, while respecting the area's Nordic heritage and adjacent industrial zoning and uses, including through the live-work units, noise buffering, and access improvements.

7. Neighborhood Plan/Precedential Effect, SMC 23.34.008(C) and (D). A key factor in individual site assessment is the split zoning, site size, and site location, which have undermined industrial use viability. Unifying the site would allow the undeveloped storage lot to better achieve local planning objectives.

The site is within the Crown Hill/Ballard Neighborhood Plan and outside the shoreline. The increased residential capacity is consistent with Policy CH/B-P5 and the NW Market Street pedestrian environment is improved, consistent with Policy CH/B-P10.²⁶ Sidewalks will be constructed along three street frontages surrounding the site with ground-level commercial along NW Market Street and a building design with a high-level of ground-level transparency. The rezone includes a pedestrian designation with a "P" suffix, which includes additional requirements to enhance pedestrian-oriented design along project site frontage.

Consistent with the Neighborhood Plan, live-work spaces are increased with over-head roll-up doors and interior spaces potentially conducive to small-scale artist and other uses (Policy CH/B-P19). The existing industrial zoning does allow a wider range of industrial uses (Policy CH/B-P20), but that zoning has not been fully utilized for over 35-years. There are no policies in the Neighborhood Plan guiding rezones and the proposal is otherwise consistent.

8. Zoning Principles, SMC 23.34.008(E). The split zoning provides a less than ideal transition situation between zones. The rezone would shift the transition to the surrounding streets, NW Market Street, 26th Avenue NW, and NW 54th Street. NW Market Street, as an arterial, is an appropriate buffer. 26th Avenue NW is not a major road, but will be widened and improved, allowing it to serve as a logical zoning boundary. This is coupled with the live-work units on the building's south side. The street frontages will become natural zone transition boundaries.

9. Impact Evaluation, SMC 23.34.008(F). The rezone meets the compatibility standards for the surrounding neighborhood and scale. Housing capacity is increased and the project will be adequately supported by public services and infrastructure, including pedestrian amenities and sidewalks. This improves area aesthetics and environmental conditions. Given site underutilization and the mitigation proposed, negative impacts to industrial and manufacturing activity is unlikely.

²⁶ The street is a minor arterial at this location. Exhibit 1 (Department Decision and Recommendation), p. 36.

The 26th Avenue NW improvements will improve turning movements for industrial uses to the south. Transportation is adequately accommodated with street and sidewalk improvements, 67 parking spaces, and transit proximity, including future light rail. Sewer and water capacity is adequate.

10. Changed Circumstances, SMC 23.34.008(G). There are not changed circumstances to account for, other than the fact that present zoning has proved unconducive to site development. These circumstances have led to the site's longstanding underutilization.

11. Overlay Districts and Critical Areas, SMC 23.34.008(H) and (I). The site is within the Airport Height Overlay. The NC3P-75 (M) zone and associated development will not exceed maximum building height permitting in the district. There are no critical areas on-site.

12. Heights, SMC 23.34.009. The 75-foot height maximum already exists on a portion of the site and is only a ten-foot increase for the remaining portion. The height is consistent with NC3 zone function, which supports a pedestrian oriented shopping district and includes residences compatible with the area's retail character. The limited increase is consistent with area topography and will have limited view impacts. The rezone and project include buffers coupled with height and scale transitions.

NW Market Street is an arterial, which serves as a buffer to shorter building heights to the north. Existing development to the east reaches comparable heights. The project includes a massing height step-down along the west and south sides to four stories along 26th Avenue NW to the west and NW 54th Street to the south, which arose through design review. This allows the project to transition to shorter building heights in those directions. This design, coupled with buffering and the street grid, gradually transitions heights, making the proposal compatible with the surrounding area. While Crown Hill/Ballard Neighborhood policies do not explicitly address heights, the project is otherwise consistent.

13. Commercial Zone Designations, SMC 23.34.072. These considerations are met. Adjacent zone designations do not limit development to residential uses and more than 800-feet separate the project from the closest Neighborhood Residential zone. With continuous storefronts and sidewalks, current development in the NC zone is compatible with a project extending this pattern of compact commercial uses.

14. NC2 Designations, SMC 23.34.076. The NC3 designation is more suitable than the NC2 designation for several reasons.

- NW Market Street is a primary, not secondary, business district in the Ballard Hub Urban Village.
- Strong edges and zoning buffers exist within this neighborhood between residential-only and non-residential and mixed use zones.
- The site and surrounding parcels along NW Market Street lack small parcels generally found in low or medium-density residential areas.
- The site and surrounding area have a relatively high transit service level.

15. NC3 Designations, SMC 23.34.078. The site and project are well suited to the NC3 zoning criteria. Continuous ground-level commercial storefront spaces link the project site to the Ballard Avenue Historic Landmark District two blocks east. Surrounding blocks linking the site to the rest of Ballard's commercial areas have continuous sidewalks, allowing for transit supported pedestrian activity. The site is within the Ballard Hub Urban Village with frontage on NW Market Street, a primary commercial street in Ballard. NW Market Street, a minor arterial, extends a half-mile east to 15th Avenue NW, where it becomes a principal arterial. NC3 is the primary zoning designation along NW Market Street's north and south sides between these areas. Separation from low density residential areas and transit service criteria are met, as addressed above.

16. Pedestrian Designations, SMC 23.34.086. The pedestrian designation is warranted at this site. The development associated with this rezone would extend a commercial district along NW Market Street's south side, where continuous ground-level commercial uses connect the project to the Ballard Avenue Landmark District to the east. The area is focused on the pedestrian with supporting commercial frontage along a highly walkable area.

17. Industrial Zone Designations, SMC 23.34.090. The site's small size, split zoning, and lack of rail or water transportation, continue to be factors limiting its industrial potential. The site is adjacent to, but not within the Ballard Interbay Northend Manufacturing and Industrial Center, or BINMIC. The property has not proven capable of industrial redevelopment. Its long underutilized status emphasize the site's weaknesses for industrial uses. The NC designation would not be problematic for surrounding industrial development as the area's industrial users documented. Also, mixed use development proximate to industrial has proven successful in the area. The site does not meet locational criteria for the IC zoning due to factors noted above. Shifting the zoning transition from the site to surrounding street frontages is a more natural and common transition. NC3 zoning better adheres to the area's commercial, residential, and industrial use mix. The proposed zoning is preferred over industrial, as reflected in Comprehensive Plan Policy LU 10.9 which discourages industrial zoning designations inside the Ballard Hub Urban Village.

18. Industrial Buffer Zone (IB), SMC 23.34.094. As detailed above, the site is better suited for a commercial than industrial designation. The existing industrial zoning would not serve as a better buffer between industrial and commercial uses than the proposal which provides a thoughtful transition between the zones and is an area where this type of transition is common.

19. Industrial Commercial Zone (IC), SMC 23.34.096. NC is preferable to the IC designation, which calls for sites with downtown proximity and public open space access to attract technology-oriented research and development which might otherwise locate outside the City. Nor is the site proximate to a major institution which could support this type of use. The growth planned is readily accommodated with the NC3 zoning.

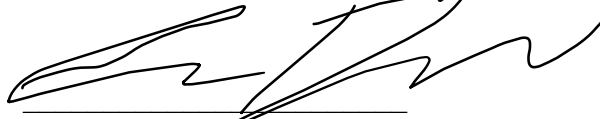
20. Seattle Mixed Zone, SMC 23.34.128 (SM). Although some criteria are supportable, the zone is not needed for transition. NC3 with the project accomplishes this and is a better fit with a site already under NC3 zoning. Also, the SM zone includes a focus on encouraging a primarily residential character, as opposed to the wider mix of uses characterizing the area which NC3 would better accommodate.

21. Conclusion. Weighing and balancing Ch. 23.34 SMC criteria together, the most appropriate zone designation for the site is NC3P-75(M) (Neighborhood Commercial-3 with a Pedestrian Designation), with a PUDA. With its current split zoning, the site is underutilized and not fulfilling Comprehensive Plan objectives for industrial development. With a pedestrian and local commercial focus, additional housing, and thorough design review, the proposed zoning and project would better fulfill Plan objectives for the area.

RECOMMENDATION

The Hearing Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA, with the Department's recommended contract rezone conditions, Attachment 1, Conditions 2-3.

Entered February 8, 2023, with clarification on February 16, 2023.


Susan Drummond
Deputy Hearing Examiner

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections to determine applicable rights and responsibilities.

Under SMC 23.76.054, a person who submitted comment to the Department or Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council
Planning, Land Use and Zoning, c/o Seattle City Clerk
Physical Address: 600 Fourth Avenue, Floor 3, Seattle, WA 98104
Mailing Address: P.O. Box 94728, Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Review code language for exact language and requirements, which are only summarily described above. Consult the City Council committee named above for further information on the Council review process.

Attachment 1
Conditions

DEPARTMENT IMPOSED CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

RECOMMENDED CONDITIONS – REZONE

These conditions are recommended for PUDA inclusion, for the contract rezone from IC-65 (M) to NC3P-75 (M):

Prior to Issuance of a Building Permit

2. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU. For the Life of the Project

For the Life of the Project

3. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

RECOMMENDED CONDITIONS – SEPA

Prior to Issuance of Master Use Permit

4. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to Issuance of Demolition, Grading, or Construction Permit

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website.

6. Provide an archaeological monitoring and discovery plan prepared by a qualified professional; the plan shall be consistent with the recommendations in the Archaeological Resource Report (Historical Research Associates, Inc., March 8, 2022) on file and include statement that the Duwamish Tribe shall be notified in the event of archaeological work.

During Construction

7. Archaeological monitoring shall occur consistent with the archaeological monitoring and discovery plan submitted in response to condition 6.

8. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify the SDCI Land Use Planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Clarified Findings and Recommendation** to each person listed below, or on the attached mailing list, in the matters of **JORDAN SELIG.**, Hearing Examiner Files: **CF-314470** in the manner indicated.

Party	Method of Service
Applicant Legal Counsel Ian S. Morrison McCullough Hill PLLC imorrison@mhseattle.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department SDCI Greg Johnson greg.johnson@seattle.gov PRC@seattle.gov SCI_Routing_Coordinator@seattle.gov Janet Oslund Janet.Oslund@seattle.gov Ketil Freeman Ketil.Freeman@seattle.gov Roger Wynne Roger.Wynne@seattle.gov Nathan Torgelson Nathan.Torgelson@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Property Owner Jordan Selig 2501 NW Market LLC Seligj@me.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Mailing separegister@ecy.wa.gov igreene@kingcounty.gov ; shirlee.tan@kingcounty.gov ; annette.pearson@seattle.gov ; SEPA.reviewteam@doh.wa.gov ; SEPA@pscleanair.org ; McCollD@wsdot.wa.gov ; bpfeiffer@kingcounty.gov ; Jim.Ishimaru@kingcounty.gov ; lpa.team@kingcounty.gov ; glen.stamant@muckleshoot.nsn.us ; fisheries2@muckleshoot.nsn.us ; fisheriescontact@muckleshoot.nsn.us ; Jae.butler@muckleshoot.nsn.us ; Ktsang@muckelshoot.nsn.us ; toddgray@tulaliptribes-nsn.gov ; preservationdept@duwamishtribe.org ; KCWTD_otheragencyplanning@kingcounty.gov ; JODI@PERMITCNW.COM ; SELIGJ@ME.COM ; bpaine@ucba.org ; deane@railsnwimage.com ; deke@sbmc.com ; DougD@PFIShipyard.com ; ecotours@duwamishtribe.org ; ericn@nordicmuseum.org ; gphoops@comcast.net ; info@ballardmailbox.com ; jamie@alaskacrabbers.org ; mike@ballardalliance.com ; ptarabochia@ebdq.com ; Tim.McKay@colliers.com ; warren@ballardoil.com ; adrienne.watkins@gmail.com ; billl@mithun.com ; bjohnson@eworks.org ; caseyh@mithun.com ; chrisr@mithun.com ; christianr@mithun.com ; imorrison@mhseattle.com ; johanerikstrand@gmail.com ;	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

lauren@weinstein.com ; nash@nashj.com ; pennd@touchstonenw.com ; phoebe.bogert@place.la ; jweill@gmail.com ; mike.seilo@gmail.com ; culturalpreservation@duwamishtribe.org ; mattymatt@gmail.com ; kdop07au2@relay.firefox.com ; landowsr@gmail.com ; hralphbyzorg@yahoo.com ; michaela@rose-labyrinth.com ; yenney3@gmail.com ;	
Mailing Duwamish Tribe 4705 W Marginal Way SW SEATTLE WA 98106-1514 Loretta Juarez-Wagner 1316 NE 70 th St. Seattle, WA 98115 Suquamish Tribe PO BOX 498 Suquamish, WA 98392	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: February 16, 2023.

/s/ Angela Oberhansly

Angela Oberhansly, Legal Assistant

2501 NW MARKET ST PROJECT
CITY OF SEATTLE
REQUIRED EARLY COMMUNITY OUTREACH FOR DESIGN REVIEW
OUTREACH DOCUMENTATION
****With Updated Requirements Via Ordinance #126072***

PROJECT NUMBER: # 3036772-LU

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 - *Community Feedback Summary*
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 - *Additional Emails/Comments Received*

Submitted by:
Natalie Quick Consulting
natalie@nataliequick.com | 206.779.0489
FEBRUARY 2021

2501 NW MARKET ST Project

Brief Summary of Outreach Methods and What We Heard from the Community

Project Address:	2501 NW Market St, Seattle, WA 98107
Brief Description:	The project proposes construction of a new multi-family apartment building with approximately 148 units (mix of studios, one- and two-bedroom homes), as well as ground-level retail.
Contact:	Natalie Quick
Applicant:	J. Selig Real Estate LLC
Contact Information:	2501NWMarketSTProject@earlyDRoutreach.com
Type of building:	Multi-Family
Neighborhood:	Ballard
In Equity Area:	No

Brief Summary of Outreach Methods

Printed Outreach

- *Choice:* DIRECT MAILING, HIGH IMPACT
- *Requirement:* Direct mailing to all residences and businesses within approximately 500-foot radius of the proposed site.
- *What we did:* Posters were mailed to 592 residences and businesses and shared with 3 neighborhood community groups. Poster, details on distribution and list of community groups who received the poster via email are in Appendix A.
- *Date completed:* January 13, 2021

Electronic/Digital Outreach

- *Choice:* PROJECT WEBSITE, HIGH IMPACT
- *Requirement:* Interactive project website with public commenting function.
- *What we did:* Project website established and publicized via poster. Monitored daily for comments from the Website. Developed an interactive project website with project information and a public commenting function. Website included in Appendix A.
- *Date Completed:* January 15, 2021

Electronic/Digital Outreach

- *Choice:* SURVEY, HIGH IMPACT
- *Requirement:* Create an online survey to allow for feedback on the proposed project.
- *What we did:* Online survey established and publicized via poster with link to survey featured on project website. Survey text and results included in Appendix A.
- *Date Completed:* January 15, 2021

What We Heard From the Community

Summary of Comments/Questions Received Via Website Comment Form, Project Email and Project Survey:

Design-Related Comments

- **Design.** 50 percent of survey respondents said environmentally-friendly features are most important to them in a new building on this property; 25 percent said attractive materials; 25 percent said interesting and unique design; 25 percent said parking; and 13 said relationship to neighborhood character. Several respondents encouraged attractive, quality, classy and mindful design that gives unique personality to the structure, furthering character that lends itself to 300, 30 and 3 feet away, drawing inspiration from the history and present day of the area, and using good quality construction and building materials.
- **Exterior & Landscaping.** 56 percent of survey respondents said lighting and safety features are the most important consideration for the exterior space on this property; 44 percent said landscaping; 22 percent said seating options and places to congregate; and 11 percent said bike parking. A couple of respondents encouraged creating a welcoming streetscape, planting trees, landscaping in ways that support wildlife and clean air, and facilitating bike-ways.
- **Security.** A few respondents encouraged having a good plan for security in and around the building and making the surrounding area feel safe because the City does not enforce laws in Ballard.
- **Height/Views.** A few respondents expressed concern that lost views of the ship canal, cityscape and Mt. Rainier will have a major impact on neighbors, and encouraged the project team to create spaces for neighbors to access the south side of the building so they can continue to see the canal and working vessels.
- **Impacts.** A few respondents encouraged the project team to have respect for the neighborhood including doing their best to be good neighbors to people already living there and considering short-term noise, disruption and aesthetics.
- **Density.** One respondent encouraged intelligent density planning of 500+ units that allows for open space and doesn't attract congestion or clog up the streets with more cars.

Non-Design-Related Comments

- **Retail.** 80 percent of survey respondents said new places for coffee or breakfast are the retail components they're most interested in for this location; 30 percent said new restaurants or bars; 20 percent said new stores for shopping; and 10 percent said spaces for the community. Additionally, 60 percent of survey respondents said thoughtful design that is open and welcoming is what inspires them to return to a building, office, restaurant or retailer; 60 percent said a sense of openness and natural light; 50 percent said local businesses / small businesses; 40 percent said great people and service; 20 percent said calm, restful places to reflect and relax; and 10 percent said color and materials used in design. One respondent encouraged providing shops, restaurants and establishments to support the population increase. Another discouraged having bars/nightclubs, because this is a quieter and more residential section than east of 24th St, and would be inappropriate. One respondent encouraged having a bike café with green landscaping. One respondent noted that 54th St has a lot of junk laying around and another noted this building will have to make a compelling case for the future revitalization of 54th and may have carte blanche in defining the character of 26th St.
- **Parking & Traffic.** A few respondents encouraged the project team to take into consideration how much traffic will increase and make sure there is adequate parking. Another respondent expressed support for underground parking as streets are narrow and parking is at a premium.
- **Affordability/Equity.** One respondent encouraged the project team to support low-income residents as gentrification has forced a lot of people out of their homes and high-density residential buildings should give back to and serve their communities. Another respondent encouraged equitable access for all community members.
- **Maintenance.** One respondent encouraged the building be well-maintained.
- **Connectivity.** One respondent expressed concern that tall buildings block signals for cell phone, internet and TV.

Miscellaneous Comments

- **Support.** One respondent noted that they love the location of this site, its proximity to the Ballard Locks, the Nordic Museum and historic Ballard Avenue; that it clearly has a lot of untapped potential and they look forward to seeing what comes of it. Another respondent noted that they think Mithun is a great firm for building in Ballard and they're excited to see what comes about. One respondent noted that development of this site is long overdue and that they look forward to the developer bring more housing to this part of Ballard.

2501 NW Market St Project

Checklist: Early Community Outreach for Design Review

DON Rule	Category	Description	Date Completed	Task Documentation
I.C.	Project Information, Public Notice	Submit project information to DON, DON posts information online or other publicly available place	01/12/21	Provided project information via email to DON staff; DON staff confirmed the information was posted on DON blog. Email confirmation included in Appendix A.
I.D. II. A. 1	Types of Outreach Outreach Methods for the Plan	CHOICE: High Impact Direct mailing to all residences and businesses within approximately 500-ft radius of the proposed site Posters include all requirements in III.A	01/13/21	Poster mailed to 592 residences and businesses and shared with 3 neighborhood community groups. Map and details of mailing are in Appendix A.
I.D. II.A.2	Types of Outreach Outreach Methods for the Plan	CHOICE: High Impact Interactive project website with public commenting function.	01/15/21	Project website established and publicized via poster. Monitored daily for comments from the Website. Developed an interactive project website with project information and a public commenting function. Website included in Appendix A.
I.D. II.A.3	Types of Outreach Outreach Methods for the Plan	CHOICE: High Impact Online survey	01/15/21	Online survey established and publicized via poster with link to survey featured on the project website.
III.A.	Printed	All printed outreach materials shall: <ul style="list-style-type: none"> • Include a brief summary of the proposal • Include the address of the project/property and the SDCJ number if available • Identify a project contact person • Provide an email address, survey link, phone number or alternative way of providing feedback on the project directly to the applicant • Include where any additional project information can be found (such as the Seattle Services Portal) • Include a statement informing the public that any information collected may be made public 	01/13/21	Copy of direct mailing poster included in Appendix A.
III.B.	Electronic, Digital	All electronic/digital outreach material shall:	01/15/21-02/05/21	Survey and project website established. Checked for comments

		<ul style="list-style-type: none"> • Include a brief summary of the proposal • Include the address of the project/property and SDCK project number if available • Identify a project contact person • Provide an email address, survey link, phone number or alternative way of providing feedback on the project directly to the applicant • Include where any additional project information can be found (such as the Seattle Services Portal) • Be publicized on at least one printed outreach method • Be publicly available for a minimum of 21 days • Include a statement informing the public that any information collected may be made public 		daily. Website content and survey results featured in Appendix A.
VI.A.1.	Outreach Documentation	Summary	02/08/21	Outreach Plan copy included in Appendix A.
VI.A.2.	Outreach Documentation	Printed Material Documentation	02/08/21	See notation above for Print Outreach. Copies of poster and mailer distribution map to 592 residents and businesses included in Appendix A.
VI.A.3.	Outreach Documentation	Digital Documentation	02/08/21	See notation above for Digital Outreach. Website content and survey results included in Appendix A.

2501 NW Market Street Project

Appendix A: **Materials Demonstrating that Each Outreach Method Was Conducted**

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Initial Planning and DON Communication

- *Listing on DON Blog*
- *Outreach Plan*

Printed Outreach: Project Poster

- *Project Poster*
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- *Website Content*
- *Website Traffic*

Electronic/Digital Outreach: Project Survey

- *Community Feedback Summary*
- *Online Survey Text*
- *Online Survey Results*
- *Additional Emails/Comments Received*

Re: New Project for the DON Blog

DON_DREarlyOutreach <DREarlyOutreach@seattle.gov>

Tue 1/12/2021 10:26 AM

To: 2501 NW Market St Project <2501nwmarketstproject@earlydroureach.com>

Hello,

Your project information has been posted on the [Early Outreach for Design Review Projects Blog](#).

The elements of the outreach plan you mention meet the requirements for a Community Outreach Plan.

Please refer to Pages 3-6 of the [Director's Rule](#); the [Early Community Outreach for Design Review](#) webpage may provide additional information.

Please let us know if you have any questions.

Thank you,

Dominique Williams
Administrative Staff Assistant
External Relations Division
Office: 206.256.6188
Fax: 206.233.5142
seattle.gov/neighborhoods

[Blog](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

Public Disclosure/Disclaimer Statement: Consistent with the Public Records Act, Chapter 42.56 RCW, all records within the possession of the City may be subject to a public disclosure request and may be distributed or copied. Records include and are not limited to sign-in sheets, contracts, emails, notes, correspondence, etc. Use of lists of individuals or directory information (including address, phone or E-mail) may not be used for commercial purposes.

From: 2501 NW Market St Project <2501nwmarketstproject@earlydroureach.com>**Sent:** Monday, January 11, 2021 6:12 PM**To:** DON_DREarlyOutreach <DREarlyOutreach@seattle.gov>**Subject:** New Project for the DON Blog

CAUTION: External Email

Hi-

Please see below for information for a new project for the DON Blog. Thank you!

Kate

Project Address:

2501 NW Market St, Seattle, WA 98107

Brief Description:

This project proposes construction of a new multi-family apartment building with approximately 148 units (mix of studios, one- and two-bedroom homes), as well as ground-level retail.

Contact:

Natalie Quick

Applicant:

J. Selig Real Estate LLC

Contact Information:

2501NWMarketSTProject@earlyDRoutreach.com

<https://outlook.office.com/mail/inbox/id/AAQkAGZjZTBjMjhkLTIwMWQwNDg1NC1iNzNhLWFjODQ2MjhjZmFkMQAQAQn3%2FF3W%2FHJJn6nwTsPcVRM...> 1/2

City of Seattle Design Review Required Outreach

Outreach Plan / January 4, 2021

Project Address:	2501 NW Market St, Seattle, WA 98107
Brief Description:	The project proposes construction of a new multi-family apartment building with approximately 148 units (mix of studios, one- and two-bedroom homes), as well as ground-level retail.
Contact:	Natalie Quick
Applicant:	J. Selig Real Estate LLC
Contact Information:	2501NWMarketSTProject@earlyDRoutreach.com
Type of building:	Multi-Family
Neighborhood:	Ballard
In Equity Area:	No

OUTREACH PLAN

We will complete the following outreach components as part of our outreach plan, consistent with Section II.A in the Director's Rule. All outreach methods will provide a disclaimer that information shared by the public may be made available to the general public.

- **Printed Outreach: Direct Mail**
We will develop a full-color project poster and mail to residents and businesses within a 500-foot radius of the project. We will keep an address log of each location where the poster is sent. Posters will include SDCI project number, address and email address, as well as basic project information that directs interested parties to the project website and project survey.
- **Electronic / Digital Method #1: Website**
We will create a project website that includes a description of the project, details about the project team, details surrounding zoning, context and site map and relevant past projects completed by the project team. We will also include a link to the Seattle Services Portal, project email address and details about the overall timeline. A link to provide comments will be included on the site, along with a link to a project survey.
- **Electronic / Digital Method #2: Online Survey**
We will create a brief project survey that is tailored to the project and includes opportunity to provide specific feedback about notable project and site components.

###

2501 NW Market St Project

Appendix A: **Materials Demonstrating that Each Outreach Method Was Conducted**

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Electronic/Digital Outreach: Project Website

- *Website Content*
- *Website Traffic*

Electronic/Digital Outreach: Project Survey

- *Community Feedback Summary*
- *Online Survey Text*
- *Online Survey Results*
- *Additional Emails/Comments Received*

Opportunity to Provide Online Input on the 2501 NW Market St Project

ABOUT THE PROJECT

The project proposes construction of a new multi-family apartment building with approximately 148 units (mix of studios, one- and two-bedroom homes), as well as ground-level retail.

What: Let us know what you think! Visit our website at www.2501NWMarketStProject.com to learn more about this new project, including the team's proposed vision and approach.

Survey: Take our online survey to share your thoughts about the project site and components. (Survey located on the project website.)

Comments: Provide additional comments via our comment form or by email at 2501NWMarketStProject@earlyDRoutreach.com.



ADDITIONAL PROJECT DETAILS

Project Address:
2501 NW Market St, Seattle, WA 98107
Contact: Natalie Quick
Applicant: J. Selig Real Estate LLC

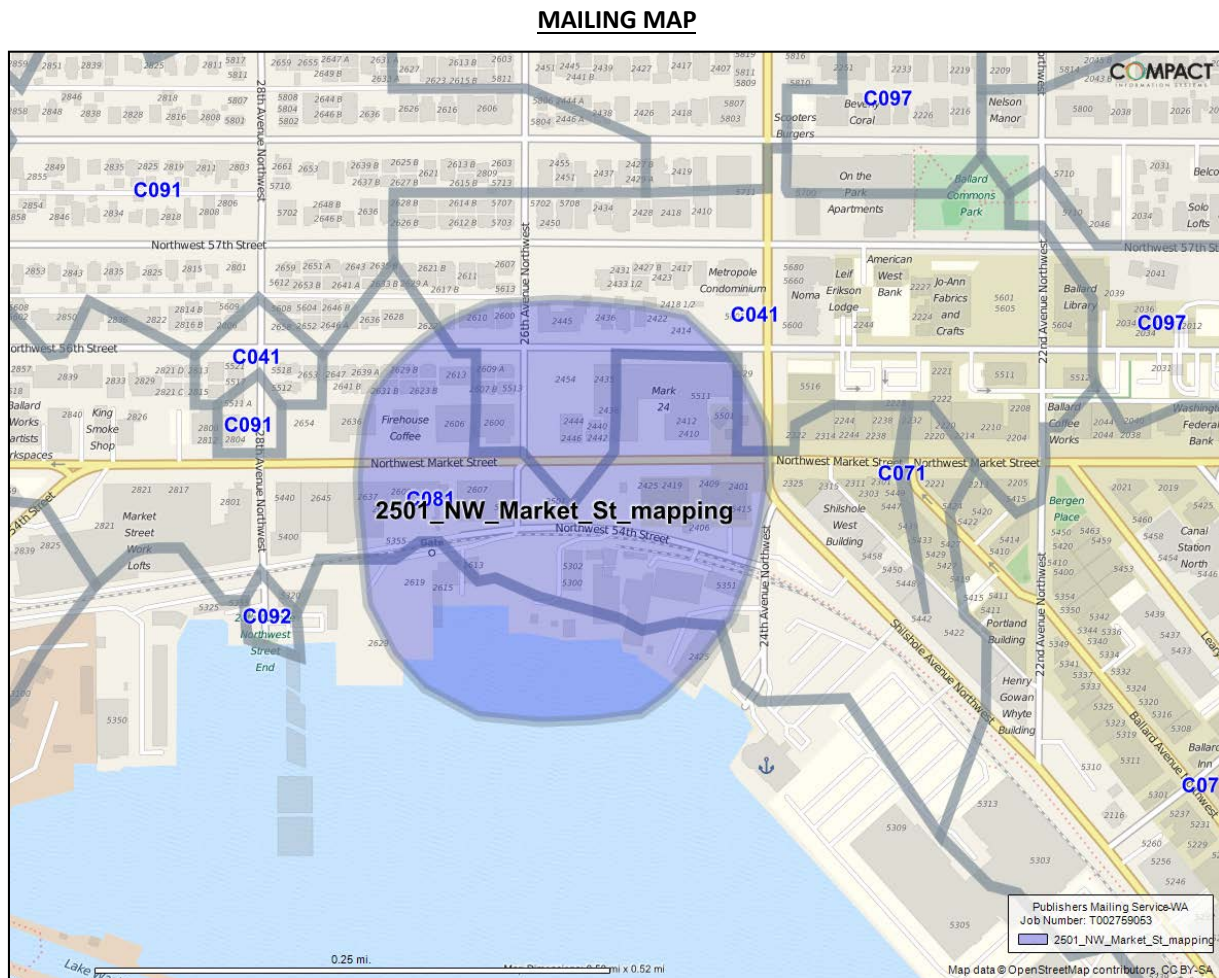
Additional Project Information on Seattle Services Portal via the Project Number:
3036772-LU

Project Email:
2501NWMarketStProject@earlyDRoutreach.com
Note that emails are generally returned within 2-3 business days, and are subject to City of Seattle public disclosure laws.

This effort is part of the City of Seattle's required outreach process, in advance of Design Review.

Poster Mailing Details
DISTRIBUTION DATE: January 13, 2021

The project flyer was shared with **592 businesses and residents** within a **500-foot radius** of the project addresses of 300-304 11th Ave E. A map detailing the mailing radius and invoice confirming delivery follows.



MAILING INVOICE



9126 E Marginal Way S
Seattle WA 98108

Invoice

Date	Invoice #
12/28/2020	1348-20

Phone: 206.448.0411
Email: data@ziplus4.com
Web: www.publishersmailingservice.com

BILL TO:

Traci Paulk
traci@paulkcreative.com
PO Box 17037
Seattle, WA 98127

P.O. No.	Terms	Due Date
2501NWMARKE...	C.O.D.	12/28/2020

QUANTITY	DESCRIPTION	RATE	AMOUNT
	2501 NW MARKET STREET - QTY 592		
	PURCHASE LIST DATA MINIMUM	150.00	150.00T
	DATA IMPORT	36.00	36.00
	MACHINE FOLD - 1	9.00	9.00T
592	ENVELOPES PROVIDED BY PUBLISHERS	0.05	29.60T
	UPLOAD ADDRESSES	12.00	12.00
	INKJET ADDRESSES-LTR MIN	35.00	35.00T
	INKJET PERMIT	16.00	16.00T
	SORT & TRAY: LETTER OR P/C	12.00	12.00T
	PROCESSING FEE	13.50	13.50T
	DELIVERY TO SEATTLE POST OFFICE	12.00	12.00T
	SUB TOTAL		325.10
	PERMIT 5544 POSTAGE	228.18	228.18

We appreciate your business!

We are unable to accept credit cards at this time, checks only please.

Onsite Mail, Inc. dba Publisher's Mailing Service

Sales Tax **\$27.99**

Total **\$581.27**

Balance Due **\$581.27**

MAILING CONFIRMATION

1/14/2021

Gmail - Were flyers mailed 01/13/2021? 2501 NW Market St Project



Lisa Kidwell <preciselywritelisa@gmail.com>

Were flyers mailed 01/13/2021? 2501 NW Market St Project

2 messages

Lisa Kidwell <preciselywritelisa@gmail.com>

Thu, Jan 14, 2021 at 8:58 AM

To: Barbara Belk <barbara@ziplus4.com>

Cc: Natalie Quick <natalie@nataliequickconsulting.com>, Traci Paulk <traci@paulkcreative.com>, Kate Nolan <katenolan1000@gmail.com>

Bcc: Lisa Kidwell <preciselywritelisa@gmail.com>

Good morning, Barbara.

Can you please let me know if the flyers were mailed yesterday (01/13) for the project located at 2501 NW Market St or if they will be mailed out today (01/14)?

Thank you.

Have a great day.

Warm regards,
Lisa Kidwell on behalf of Natalie Quick Consulting

Respectfully,
Lisa Kidwell
Cell (253) 202-6734
PreciselyWriteLisa@gmail.com

Barbara Belk <barbara@ziplus4.com>

Thu, Jan 14, 2021 at 12:33 PM

To: Lisa Kidwell <preciselywritelisa@gmail.com>

Those mailed yesterday, 1/13.

Barbara Belk

Publisher's Mailing Service

[9126 E Marginal Way S](#)

[Tukwila, WA 98108](#)

206-448-0411

Community Group Notification: 2501 NW Market St Project

Poster E-Mailing Details
E-MAILING DATE: January 12th, 2021

COMMUNITY GROUPS WHO RECEIVED PROJECT NOTIFICATION

Notification of the 2501 NW Market St project was sent along with a copy of the project flyer to 3 community groups listed on the Department of Neighborhoods “Neighborhood Snapshot” for Ballard on 01/12/21, including:

- Ballard District Council
- East Ballard Community Association
- Ballard Alliance

COMMUNITY GROUP NOTIFICATION EMAIL

2/7/2021

Mail - 2501 NW Market St Project - Outlook

New Project in Your Neighborhood!

2501 NW Market St Project <2501nwmarketstproject@earlydroutreach.com>

Tue 1/12/2021 9:49 AM

To: 2501 NW Market St Project <2501nwmarketstproject@earlydroutreach.com>

 1 attachments (2 MB)

Quick_Flyer-2501 NW Market-123120 (1).pdf;

Hello-

Please find attached a flyer for an upcoming construction project in your neighborhood. Visit our project website for more information and to take the project survey at www.2501nwmarketstproject.com.

This is a part of the City of Seattle's Early Design Review required outreach process.

Please feel free to reach out to this email with any questions.

Thank you!

-The Project Team

2501 NW Market St Project

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Electronic/Digital Outreach: Project Website

- **Website Content**
- **Website Traffic**

Electronic/Digital Outreach: Project Survey

- *Community Feedback Summary*
- *Online Survey Text*
- *Online Survey Results*
- *Additional Emails/Comments Received*

Project Website: 2501 NW Market St Project | WEBSITE TEXT

Website: www.2501NWMarketStProject.com

Project Address:	2501 NW Market St, Seattle, WA 98107
Brief Description:	The project proposes construction of a new multi-family apartment building with approximately 148 units (mix of studios, one- and two-bedroom homes), as well as ground-level retail.
Contact:	Natalie Quick
Applicant:	J. Selig Real Estate LLC
Contact Information:	2501NWMarketSTProject@earlyDRoutreach.com
Type of building:	Multi-Family
Neighborhood:	Ballard
In Equity Area:	No

HOME PAGE

IMAGES: Project Site

TEXT: Welcome to our Project Website, which is part of the City of Seattle’s Required Outreach in advance of Design Review. While the project is in its early stages, the information on this site will give you a sense of the project vision, timelines and how we’re approaching design.

Please feel free to take the Project Survey and/or leave Comments. Note that all information obtained will be part of the Documentation for this effort and is considered public comment.

The project proposes construction of a new multi-family apartment building with approximately 148 units (mix of studios, one- and two-bedroom homes), as well as ground-level retail.

Contact us. This outreach is part of the City of Seattle’s required outreach process, in advance of Design Review. Note that all calls and emails are generally returned within 2-3 business days, and are subject to City of Seattle public disclosure.

2501 NW Market St Project
2501 NW Market St, Seattle, WA 98107

LINKS: Email- 2501NWMarketSTProject@earlyDRoutreach.com

TAB: PROJECT OVERVIEW

TEXT: 2501 NW Market St Project

Project #: 3036772-LU

Project Team

Developer: J. Selig Real Estate LLC

Architect: Mithun

Project Vision

This project proposes a new multi-family building in the heart of Ballard, within walking distance of the Ballard Historic District, a stone's throw from the acclaimed Nordic Museum, and conveniently-located close to future light rail access to downtown Seattle.

The building will feature approximately 148 residential units—including a mix of studios, one-bedroom and two-bedroom apartments.

The ground floor will include retail space along NW Market Street, residential amenities and street-level units that step out onto NW 54th Street.

One level of underground parking will be provided for residents. The project site is located within the Ballard Urban Village and features views of the ship canal to the south.

This development will create contemporary, thoughtfully-designed, high-quality homes and contribute to the vibrant Ballard Urban Village, with an aesthetic inspired by modern Nordic design.

Project Timeline

- Entitlement & Permitting: Winter 2021
- Construction Start: Spring 2022
- Construction Completion: Summer 2024

Zoning

Zoning Height Restrictions

Site Plan (Example Ground Floor Plan)

Site Plan (Example Upper Floor Plan)

IMAGES:

Zoning
Zoning Height Plan
Site Plan (Example Ground Floor Plan)
Site Plan (Example Upper Floor Plan)

LINK:

none

PAGE URL: www.2501NWMarketStProject.com/project-overview

TAB: FLYER

TEXT: The flyer below was mailed to all households and businesses within a 500-foot radius of the project site.

IMAGES: Flyer Image

LINK: none

PAGE URL: www.2501NWMarketStProject.com/flyer

TAB: SURVEY

TEXT: Survey. Take our online survey to share your thoughts about the project site and components.

LINK: Survey- 2501 NW Market St Survey Click Here

PAGE URL: www.2501NWMarketStProject.com/survey

TAB: COMMENTS

TEXT: Hello and thank you for visiting our 2501 NW Market St Project Required Outreach page. Please feel free to leave your comments here. All comments will be documented and submitted to the City as part of this process and are considered public comment.

2501NWMarketSTProject@earlyDRoutreach.com
2501 NW Market St, Seattle, WA 98107

LINKS: Email- 2501NWMarketSTProject@earlyDRoutreach.com

FORM:

Name *

--	--

First Name Last Name

Email *

--

Message *

--

Send

LINKS: Email- 2501NWMarketSTProject@earlyDRoutreach.com

PAGE URL: www.2501NWMarketStPoject.com/comments

WEBSITE IMAGES

2501 NW Market St Project

Welcome to our Project Website, which is part of the City of Seattle's Required Outreach in advance of Design Review. While the project is in its early stages, the information on this site will give you a sense of the project vision, timelines and how we're approaching design.

Please feel free to take the Project Survey and/or leave Comments. Note that all information obtained will be part of the Documentation for this effort and is considered public comment.



2501 NW Market St, Seattle

This project proposes construction of a new multi-family apartment building with approximately 148 units (mix of studios, one- and two-bedroom homes), as well as ground-level retail.

[Learn More](#)

WEBSITE ANALYTICS

2501 NW Market St Project

Website Analytics

Traffic

Custom

\$ USD

VISITS

41

+1,950% mo/mo

UNIQUE VISITORS

40

+1,900% mo/mo

PAGEVIEWS

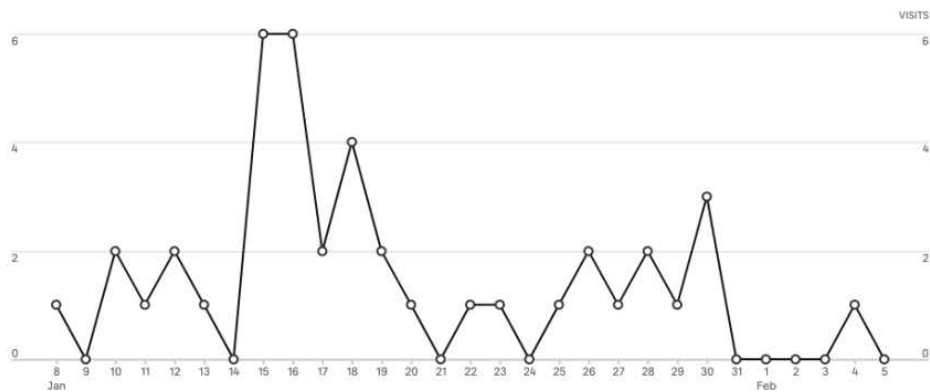
138

+886% mo/mo

Visits

Jan 8-Feb 5, 2021 • 41 Total +1,950% mo/mo

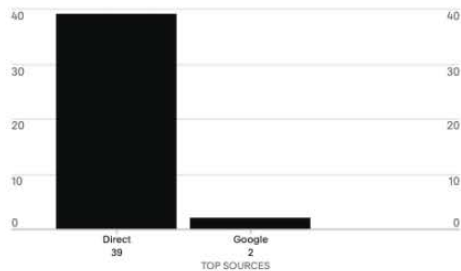
Daily



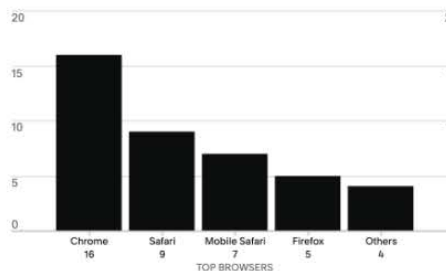
Top Devices by Visits



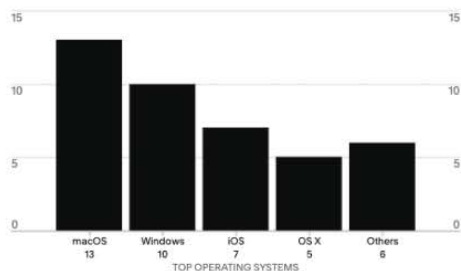
Top Sources by Visits



Top Browsers by Visits



Top Operating Systems by Visits



2501 NW Market St Project

Appendix A: **Materials Demonstrating that Each Outreach Method Was Conducted**

Table of Contents

Initial Planning and DON Communication

- *Listing on DON Blog*
- *Outreach Plan*

Printed Outreach: Project Poster

- *Project Poster*
- *Mailing Area Map*
- *Mailing Area Details*
- *Direct Mailing Distribution List*
- *List of Community Groups who Received Poster via Email*

Electronic/Digital Outreach: Project Website

- *Website Content*
- *Website Traffic*

Electronic/Digital Outreach: Project Survey

- *Community Feedback Summary*
- *Online Survey Text*
- *Online Survey Results*
- *Additional Emails/Comments Received*

Community Outreach: 2501 NW Market St Project

Comment Summary

Project Address:	2501 NW Market St, Seattle, WA 98107
Brief Description:	The project proposes construction of a new multi-family apartment building with approximately 148 units (mix of studios, one- and two-bedroom homes), as well as ground-level retail.
Contact:	Natalie Quick
Applicant:	J. Selig Real Estate LLC
Contact Information:	2501NWMarketSTProject@earlyDRoutreach.com
Type of building:	Multi-Family
Neighborhood:	Ballard
In Equity Area:	No

Comment Total:

- From Website: 0
- From Email: 1
- From Survey: 10

Design-Related Comments

- **Design.** 50 percent of survey respondents said environmentally-friendly features are most important to them in a new building on this property; 25 percent said attractive materials; 25 percent said interesting and unique design; 25 percent said parking; and 13 said relationship to neighborhood character. Several respondents encouraged attractive, quality, classy and mindful design that gives unique personality to the structure, furthering character that lends itself to 300, 30 and 3 feet away, drawing inspiration from the history and present day of the area, and using good quality construction and building materials.
- **Exterior & Landscaping.** 56 percent of survey respondents said lighting and safety features are the most important consideration for the exterior space on this property; 44 percent said landscaping; 22 percent said seating options and places to congregate; and 11 percent said bike parking. A couple of respondents encouraged creating a welcoming streetscape, planting trees, landscaping in ways that support wildlife and clean air, and facilitating bike-ways.
- **Security.** A few respondents encouraged having a good plan for security in and around the building and making the surrounding area feel safe because the City does not enforce laws in Ballard.
- **Height/Views.** A few respondents expressed concern that lost views of the ship canal, cityscape and Mt. Rainier will have a major impact on neighbors, and encouraged the project team to create spaces for neighbors to access the south side of the building so they can continue to see the canal and working vessels.
- **Impacts.** A few respondents encouraged the project team to have respect for the neighborhood including doing their best to be good neighbors to people already living there and considering short-term noise, disruption and aesthetics.
- **Density.** One respondent encouraged intelligent density planning of 500+ units that allows for open space and doesn't attract congestion or clog up the streets with more cars.

Non-Design-Related Comments

- **Retail.** 80 percent of survey respondents said new places for coffee or breakfast are the retail components they're most interested in for this location; 30 percent said new restaurants or bars; 20 percent said new stores for shopping; and 10 percent said spaces for the community. Additionally, 60 percent of survey respondents said thoughtful design that is open and welcoming is what inspires them to return to a building, office, restaurant or retailer; 60 percent said a sense of openness and natural light; 50 percent said local businesses / small businesses; 40 percent said great people and service; 20 percent said calm, restful places to

reflect and relax; and 10 percent said color and materials used in design. One respondent encouraged providing shops, restaurants and establishments to support the population increase. Another discouraged having bars/nightclubs, because this is a quieter and more residential section than east of 24th St, and would be inappropriate. One respondent encouraged having a bike café with green landscaping. One respondent noted that 54th St has a lot of junk laying around and another noted this building will have to make a compelling case for the future revitalization of 54th and may have carte blanche in defining the character of 26th St.

- **Parking & Traffic.** A few respondents encouraged the project team to take into consideration how much traffic will increase and make sure there is adequate parking. Another respondent expressed support for underground parking as streets are narrow and parking is at a premium.
- **Affordability/Equity.** One respondent encouraged the project team to support low-income residents as gentrification has forced a lot of people out of their homes and high-density residential buildings should give back to and serve their communities. Another respondent encouraged equitable access for all community members.
- **Maintenance.** One respondent encouraged the building be well-maintained.
- **Connectivity.** One respondent expressed concern that tall buildings block signals for cell phone, internet and TV.

Miscellaneous Comments

- **Support.** One respondent noted that they love the location of this site, its proximity to the Ballard Locks, the Nordic Museum and historic Ballard Avenue; that it clearly has a lot of untapped potential and they look forward to seeing what comes of it. Another respondent noted that they think Mithun is a great firm for building in Ballard and they're excited to see what comes about. One respondent noted that development of this site is long overdue and that they look forward to the developer bring more housing to this part of Ballard.

2501 NW Market St Project Survey

Thank you for taking the time to complete our survey for the **2501 NW Market St** project! This project proposes demolition of the existing structures on-site, construction of a new building with approximately 148 residential units (including a mix of studios, one- and two-bedrooms) and commercial real estate at street level. We would like to hear your thoughts on our vision and approach for this project.

This survey will be open from January 15, 2021 to February 5, 2021, after which time we'll start preparing for the design review process and other permitting steps. PLEASE

NOTE: as part of the City of Seattle's required outreach for design review, all data collected within this survey is considered public information according to the Public Records Act. Please do not share any sensitive or personal information within your responses.

1. What is your connection to this development project?

- ☐ I live very close to the project
- ☐ I live in the general area
- ☐ I own a business nearby
- ☐ I visit the area often for work or leisure
- ☐ I don't have a direct connection, but I care about growth and development in Seattle
- ☐ Other

2. What is most important to you about the design of a new building on this property?

- ☐ Attractive Materials
- ☐ Interesting & Unique Design
- ☐ Environmentally-Friendly Features
- ☐ Relationship to Neighborhood Character
- ☐ Parking
- ☐ Other _____

3. What is most important consideration for the exterior space on this property?

- ☐ Landscaping
- ☐ Lighting & Safety Features
- ☐ Seating Options & Places to Congregate
- ☐ Bike Parking
- ☐ Other _____

4. What retail components are you most interested in for this location?

- ☐ New Stores for Shopping
- ☐ New Places for Coffee or Breakfast
- ☐ New Restaurants or Bars
- ☐ Other _____

5. When you visit a building, office, restaurant or retailer, what most inspires you to return?

- ☐ Great people and service
- ☐ Local businesses / small businesses
- ☐ Thoughtful design that is open and welcoming
- ☐ Bustling, exciting energy
- ☐ Calm, restful places to reflect and relax
- ☐ A sense of openness and natural light
- ☐ Color and materials used in design
- ☐ Other _____

6. What do you value most as new developments are built in your neighborhood?

7. Is there anything specific about this neighborhood or property that would be important for us to know?

8. What do you think are the top considerations for making this building successful?

9. Anything else you'd like to add?

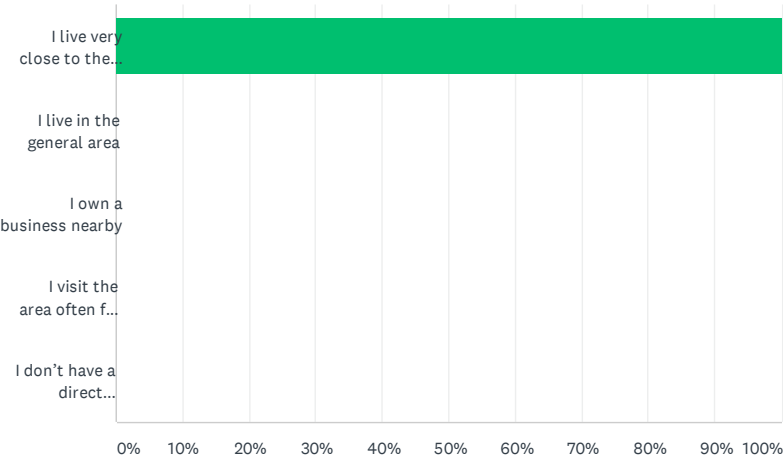
FORM SUBMITTED PAGE

Thank you for sharing thoughts! Your feedback is very helpful as we plan our proposed project. To track our progress through the design review and permitting process, look-up Project #3036772-LU (2501 NW Market St) in the [Seattle Services Portal](#). To learn more about the early outreach for design review process, visit the [Department of Neighborhoods webpage](#). You may also send us an email at 2501NWMarketStProject@earlyDRoutreach.com.

2501 NW Market St Project Survey

Q1 What is your connection to this development project?

Answered: 10 Skipped: 0

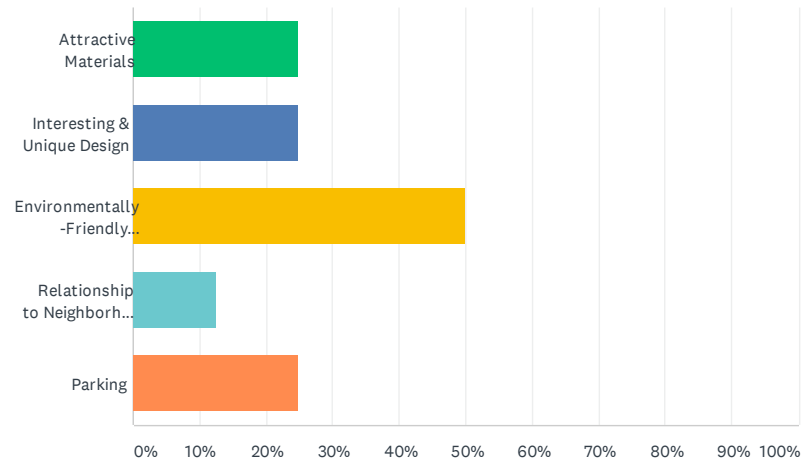


ANSWER CHOICES	RESPONSES	
I live very close to the project	100.00%	10
I live in the general area	0.00%	0
I own a business nearby	0.00%	0
I visit the area often for work or leisure	0.00%	0
I don't have a direct connection, but I care about growth and development in Seattle	0.00%	0
Total Respondents: 10		

2501 NW Market St Project Survey

Q2 What is most important to you about a new building on this property?

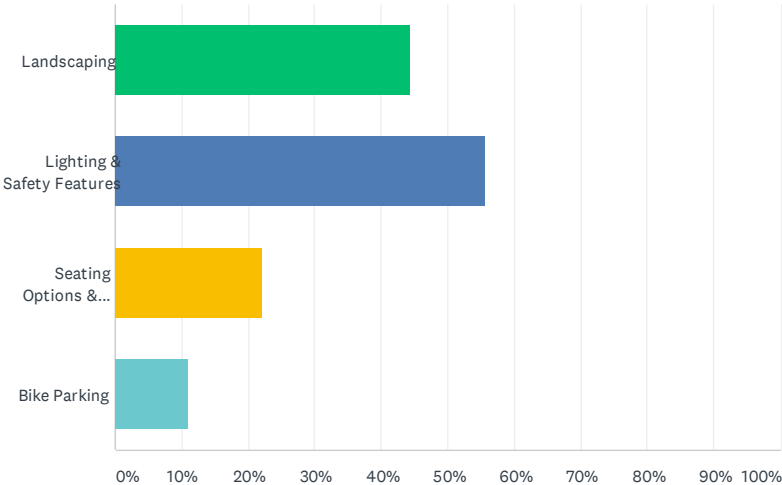
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Attractive Materials	25.00%	2
Interesting & Unique Design	25.00%	2
Environmentally-Friendly Features	50.00%	4
Relationship to Neighborhood Character	12.50%	1
Parking	25.00%	2
Total Respondents: 8		

Q3 What is the most important consideration for the exterior space on this property?

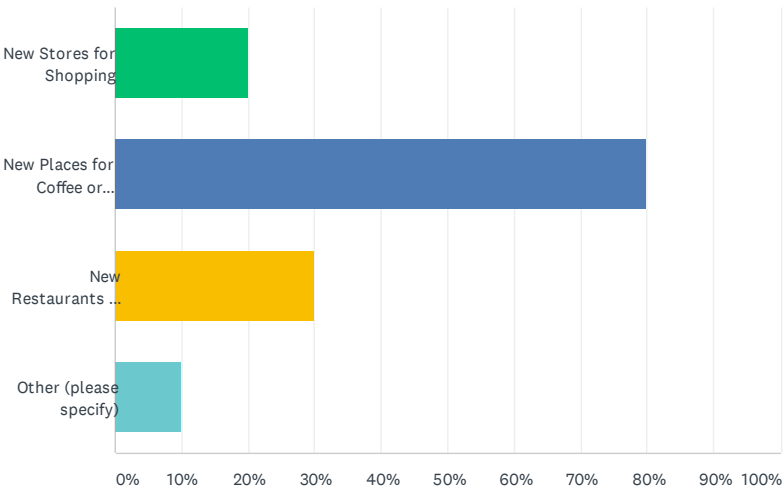
Answered: 9 Skipped: 1



ANSWER CHOICES	RESPONSES	
Landscaping	44.44%	4
Lighting & Safety Features	55.56%	5
Seating Options & Places to Congregate	22.22%	2
Bike Parking	11.11%	1
Total Respondents: 9		

Q4 What retail components are you most interested in for this location?

Answered: 10 Skipped: 0

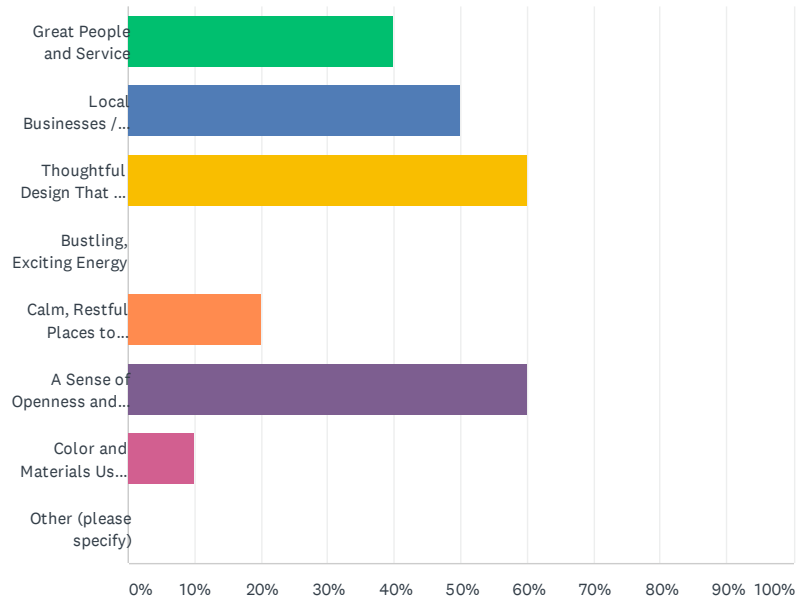


ANSWER CHOICES	RESPONSES	
New Stores for Shopping	20.00%	2
New Places for Coffee or Breakfast	80.00%	8
New Restaurants or Bars	30.00%	3
Other (please specify)	10.00%	1
Total Respondents: 10		

2501 NW Market St Project Survey

Q5 When you visit a building, office, restaurant or retailer, what most inspires you to return?

Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Great People and Service	40.00%	4
Local Businesses / Small Businesses	50.00%	5
Thoughtful Design That is Open and Welcoming	60.00%	6
Bustling, Exciting Energy	0.00%	0
Calm, Restful Places to Reflect and Relax	20.00%	2
A Sense of Openness and Natural Light	60.00%	6
Color and Materials Used in Design	10.00%	1
Other (please specify)	0.00%	0
Total Respondents: 10		

Q6 What do you value most as new developments are built in your neighborhood?

Answered: 8 Skipped: 2

Q7 Is there anything specific about this neighborhood or property that would be important for us to know?

Answered: 7 Skipped: 3

Q8 What do you think are the top considerations for making this building successful?

Answered: 8 Skipped: 2

2501 NW Market St Project Survey

Q9 Anything else you'd like to add?

Answered: 7 Skipped: 3

PROJECT EMAILS/COMMENTS

The screenshot shows the Microsoft Outlook interface. On the left is the navigation pane with folders like Favorites, Inbox, Sent Items, Drafts, and Deleted Items. The main pane displays an email thread. The selected email is from 'waprog2@gmail.com' with the subject 'comments on building @2501 NW Market St.' and a date of 'Mon 1/18/2021 12:49 PM'. The body of the email contains concerns about the project's location and parking. Below the email list, the taskbar shows three open PDF files: '2501 NW Market....pdf', 'T002759053_25....pdf', and '2501 NW Market....pdf'. A 'Show All' button is visible in the bottom right corner of the Outlook window.

Outlook Search

New message Delete Archive Junk

Print Cancel

focused Other

Amelia Watson
BIM Modeling Services !!!
Hello, Hope you are doing well. Our c

Last month

waprog2@gmail.com
> comments on building @...
I live within 2 blocks of your proposed

DON_DREarlyOutreach
> New Project for the DON ...
Hello, Your project information has be

2501 NW Market St Project
> New Project in Your Neig...
Hello~ Please find attached a flyer for
Quick_Flyer-250...

2020

GoDaddy
Welcome to Office 365. Let's... 12
GoDaddy Customer, thanks for choosi

GoDaddy
Add your new email to your ... 12
Let's set it up on your desktop compu

comments on building @2501 NW Market St.

waprog2@gmail.com <waprog2@gmail.com>
Mon 1/18/2021 12:49 PM

To: 2501 NW Market St Project <2501nwmktproject@earlydroureach.com>

I live within 2 blocks of your proposed project. So, concern #1. The streets are very narrow, and parking is at a premium now. You must include underground parking for your tenants and visitors, that allows traffic flow for other residents. Concern #2. The very tall buildings already placed between my residence at 2445 NW 57th st block signals for cell phone, internet and TV use. It cannot be made any worse--please.

Linde Knighton

Sent from Mail for Windows 10

2501 NW Market....pdf T002759053_25....pdf 2501 NW Market....pdf

Show All X

2501 NW Market St. —

Design Recommendation —

February XX, 2022 (Draft)

Address —

2501 NW Market St.
Seattle, WA 98107

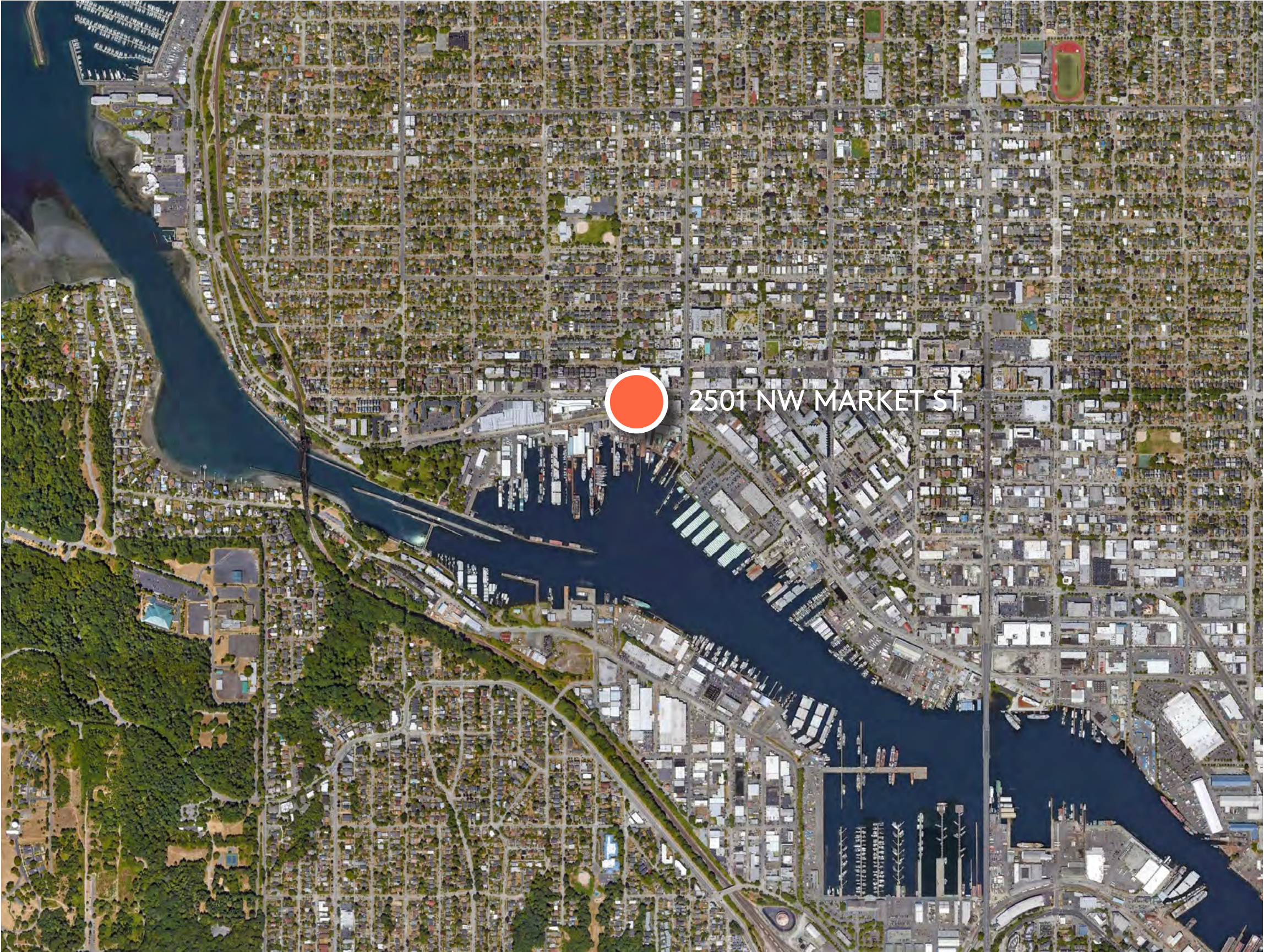
Project Number —

3037522-EG

Applicant Team —

Developer: J. Selig Real Estate LLC
Architect: Mithun

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PROJECT INFORMATION



Address:
2501 NW Market St.
Seattle, WA 98107

Developer:
J. Selig Real Estate LLC

Architect / Landscape Architect:
Mithun

Number of Residential Units:
7 Studio Units
85 1-Bedroom Units
18 2-Bedroom Units
110 Units Total (with 7 MHA Units)

Gross Floor Area:
Approximately 116,514 GSF

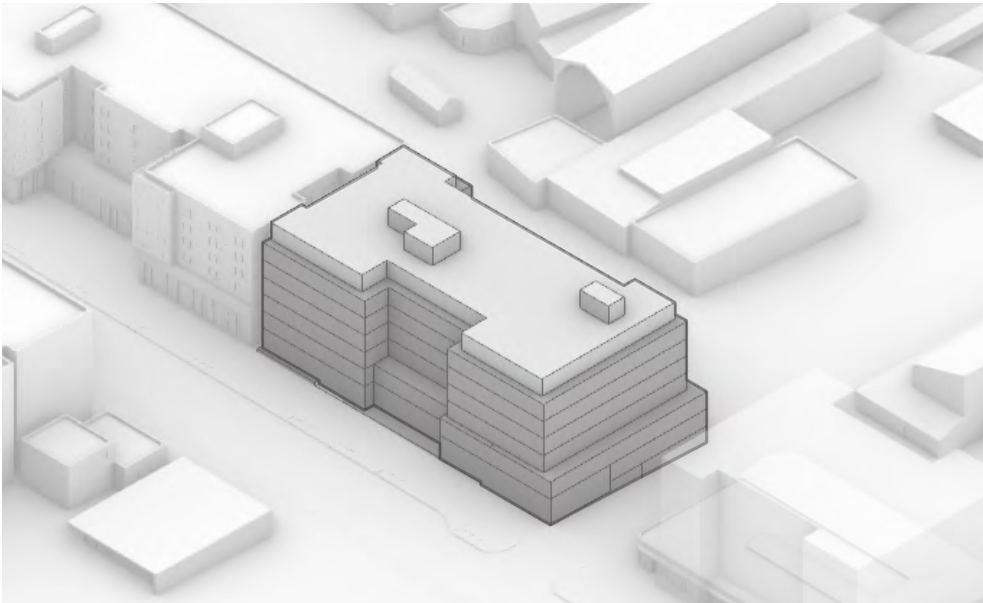
Commercial Square Footage:
Approximately 4,585 GSF

Number and Location of Parking Stalls:
Approximately 67 Below-Grade Parking Stalls

Project Description:
7-story mixed-use multi-unit residential building containing approximately 110 residential units, approximately 4,585 GSF of commercial space and parking for approximately 67 vehicles. Residential use will consist of a mix of market rate and low income residential units. The project site is currently a split zone with NC3P-75 (M) on the east; and IC-65 (M) on the west. The applicant is pursuing a contract rezone in addition to a Master Use Permit (MUP). The development proposal shown in this package is based on NC3P-75 (M) zoning across the entire site.

EDG Review—

EARLY DESIGN GUIDANCE REVIEW - SUMMARY OF DESIGN OPTIONS



COURTYARD / SCHEME 01

A courtyard is located along Market and 54th. The residential entrance, lobby, and commercial space are located along Market Street. Entries into ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.36 / 117,000 GFA
Unit Count:	125
Parking Stalls:	65-78
Commercial Area:	~6000 SF

PROS

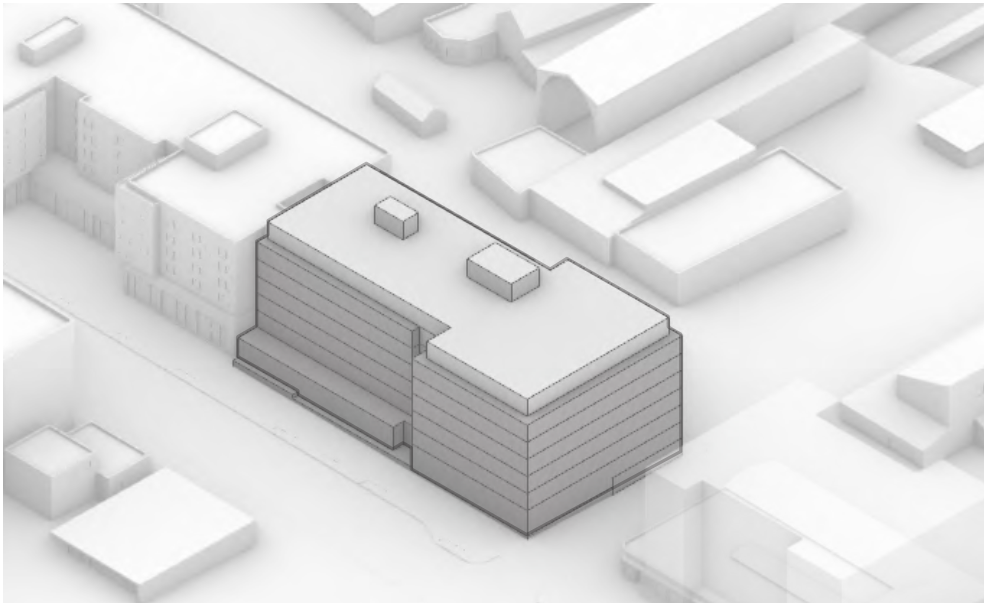
- Three divisions replicate historic site widths in Ballard
- Courtyard provides usable open space at the street level
- Courtyard is oriented to the north, away from active industrial waterfront uses located to the south

CONS

- U-shaped organization mimics eastern neighbor
- Required upper level setbacks and courtyard results in reduction in developable area
- Long facade against the interior lot line

DEPARTURES

- None



EDDY / SCHEME 02

The massing employs a consistent language along Market St. and 26th Ave. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into amenity space and ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.48 / 119,600 GFA
Unit Count:	115
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

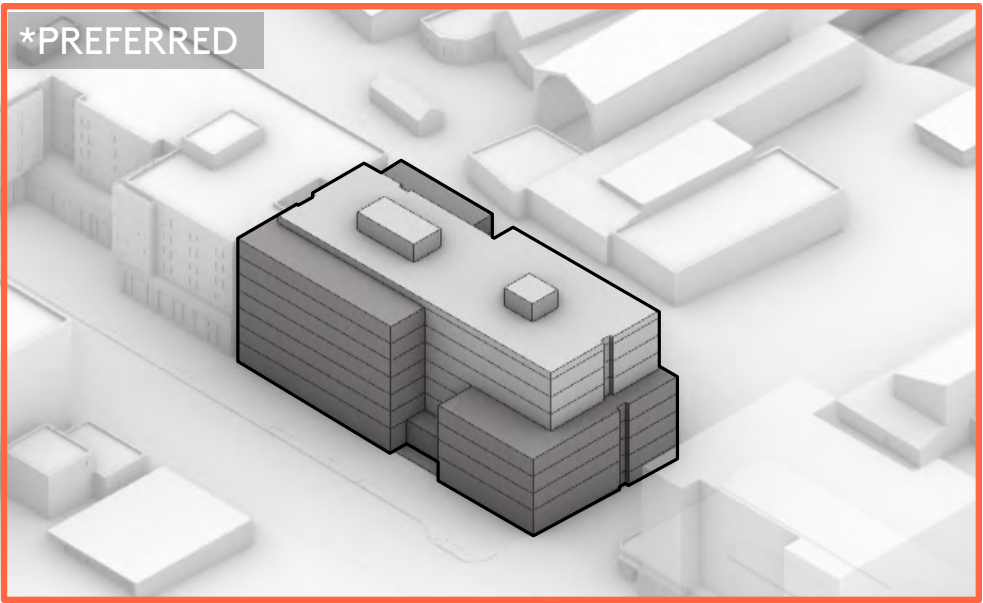
- Building organization allows outdoor amenity space above NW 54th Street facing the waterfront
- Reduced facade length along NW Market Street
- Unified massing composition
- Reduced facade length along shared interior lot line

CONS

- Tall continuous facade along 26th Ave NW facing western neighbor
- Few opportunities for large outdoor amenity spaces below the roof

DEPARTURES

Departure Request #1 - Upper level setback: 65' and above along 26th Ave NW
Departure Request #2 - Upper level setback: 45'-65' along 26th Ave NW
Departure Request #3 - Upper level setback: 65' and above along NW Market St
Departure Request #4 - Upper level setback: 45'-65' along NW Market St



TERRACED / SCHEME 03

The massing is setback from the street at the upper stories. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into 5 ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.5 / 120,000 GFA
Unit Count:	120
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Rich character and multiple opportunities for large outdoor amenity spaces
- The varying size of building volumes relates to the smaller scale of existing industrial neighbors
- Reduced building height, scale and bulk when viewed from NW Market Street and NW 54th Street
- Setback upper level massing provides increased daylight penetration to the street

CONS

- Reduction in the scale of the building at the NW corner when viewed east along NW Market Street

DEPARTURES

Departure Request #5 - Upper level setback: 65' and above along NW Market St

EARLY DESIGN GUIDANCE REVIEW - PREFERRED ARCHITECTURAL CONCEPT



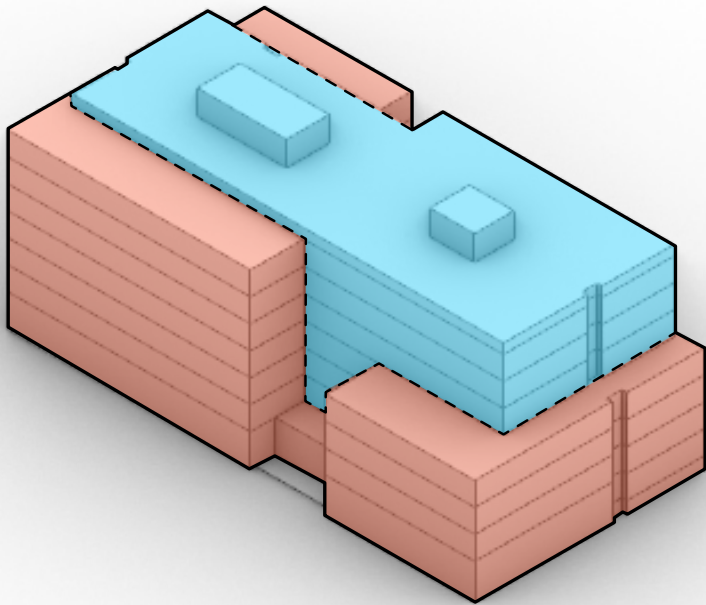
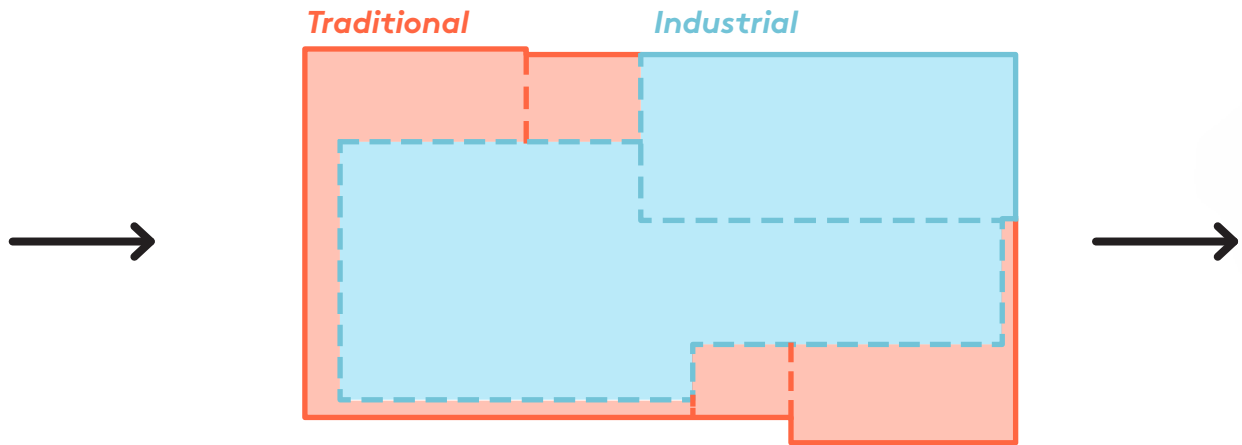
Traditional Ballard Character (Ballard Avenue Historic District)

The primary, street facing massing acknowledges the traditional architectural character along Ballard Avenue with historically resonant material application and simple rectilinear volumes that are inspired by the local landmarks.

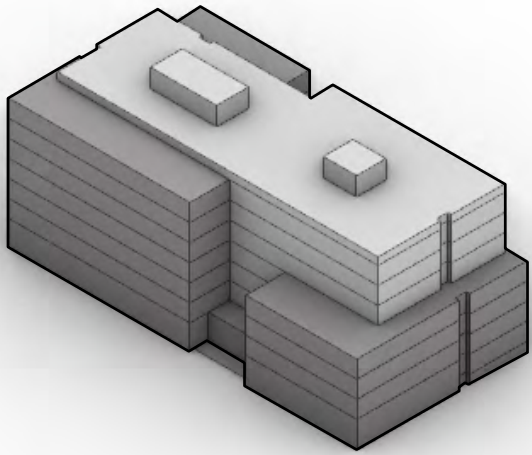


Industrial Ballard Character

The secondary, waterfront facing massing reflects the nearby maritime industrial uses located to the south of the site with a change in facade treatment, and a distinct architectural character that aligns with the massing divisions, all inspired by the utilitarian buildings in the area.



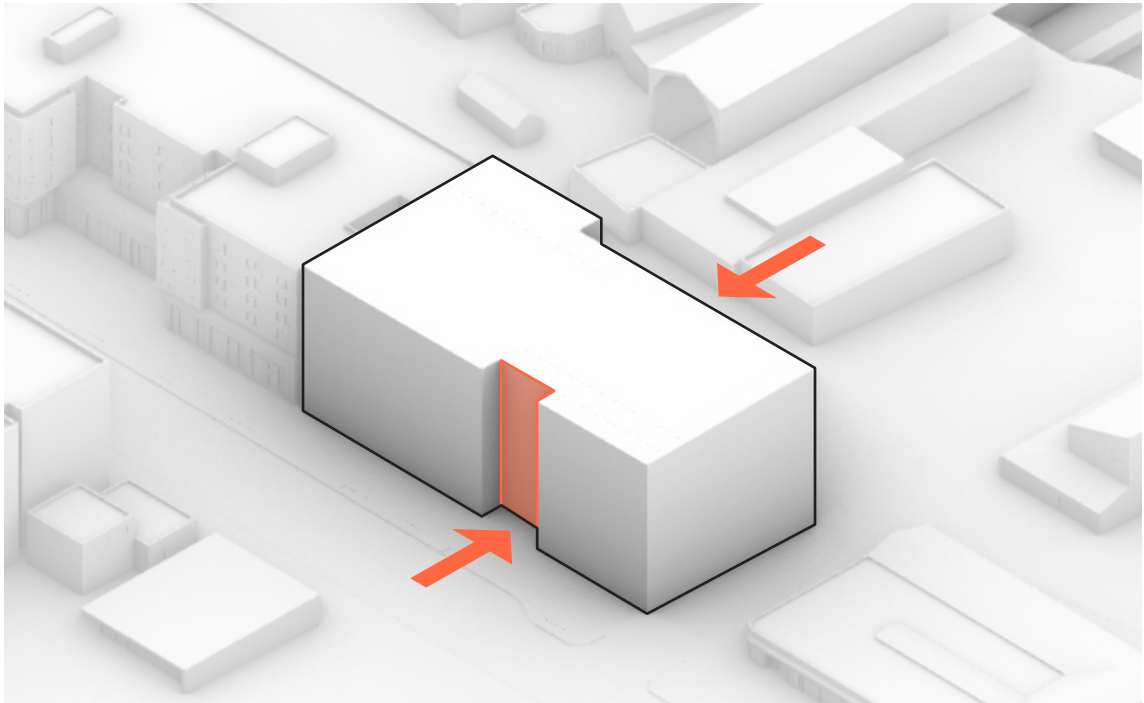
- Traditional Ballard Character
- Industrial Ballard Character



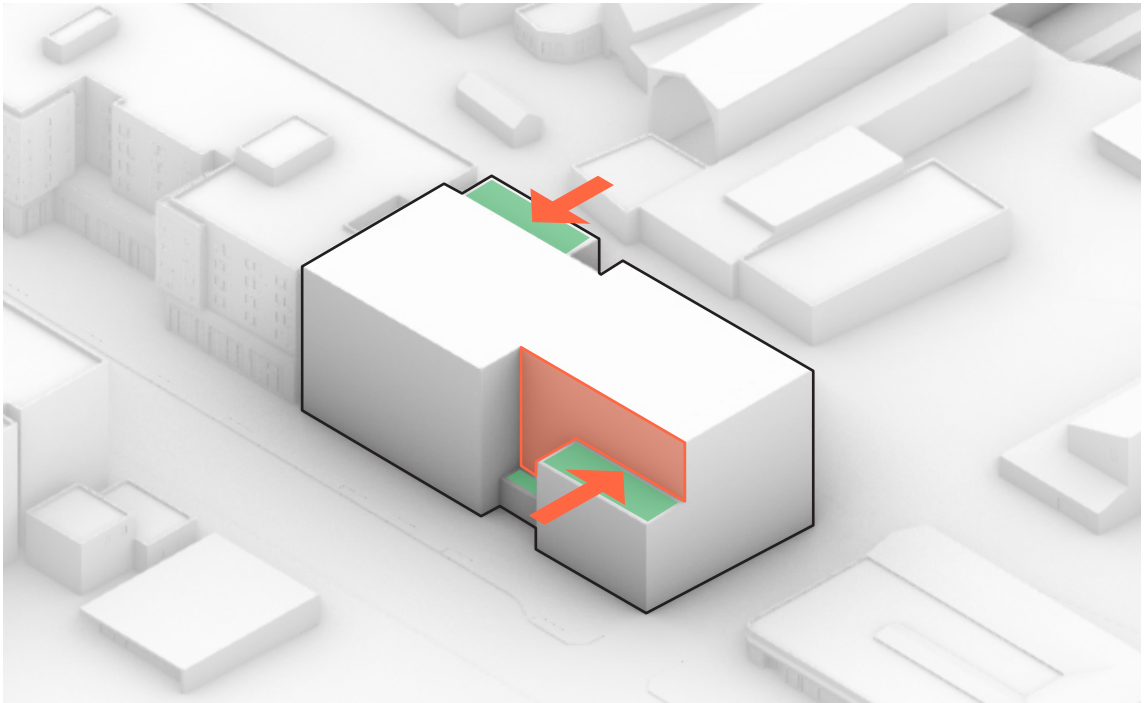
Relationship of Concept to Site Character

The resulting massing exercises architectural character, material application, and form to complement the growing urban village, the nearby Ballard Avenue landmark character area, and acknowledge the adjacent industrial uses located along the waterfront. Building modulation reduces the perceived length of the project along NW Market Street. The building provides generous setbacks at the upper stories to create resident terraces and reduce the perceived height, scale, and bulk of the project when viewed from the street. The basic massing division also provides a break in the facade at the ground floor along Market Street to provide quality outdoor areas for residents and visitors along the sidewalk.

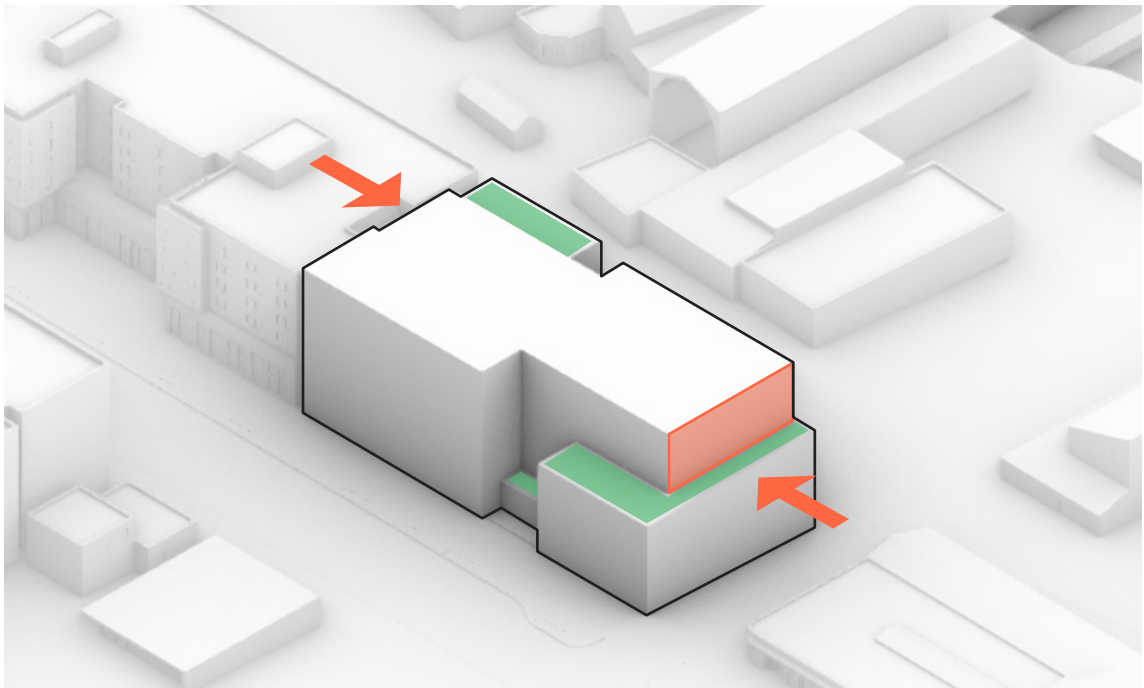
EARLY DESIGN GUIDANCE REVIEW - *PREFERRED MASSING RATIONALE*



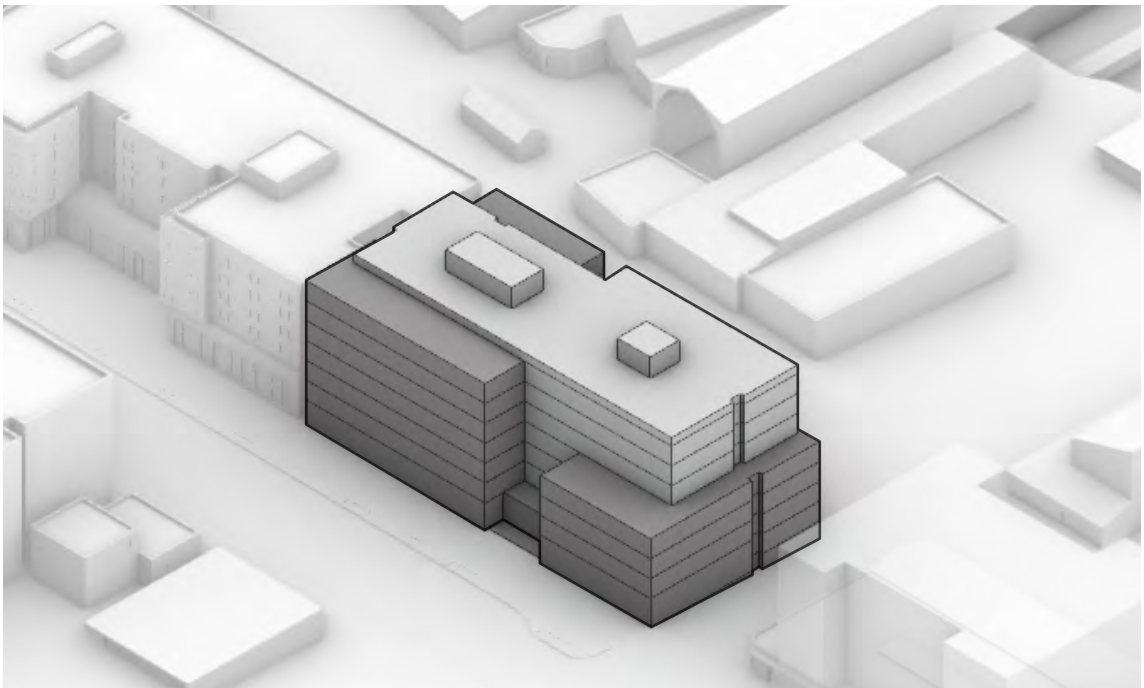
01 / FACADE LENGTH REDUCTION
Inset facade areas break up the volume along the north and south facades to reduce the scale of the building.



02 / SECONDARY MASSING
An upper level setback is applied along Market St. and 54th St. to provide increased daylight penetration to the street.



03 / SETBACK
The massing set back along the east and west facades further reduce the size of the building volumes and better relate the massing to the neighborhood scale.



04 / COMPLETED MASSING

SUMMARY OF EARLY DESIGN GUIDANCE RECOMMENDATIONS

1

Massing

- A. The Board expressed support for Scheme 3 over the other two massing schemes due to the strength of its simple complementary massing forms and the compatibility of the massing to the concept which expresses the surrounding industrial and traditional commercial character through a simple contrasting material palette.
- B. The shorter base height on the western side of the design was identified by the Board as an asset of Scheme 3 that allows a strong height transition to the lower building heights to the west, including the Nordic Museum, and to the three street frontages adjacent to the west side of the building.
- C. The Board supported Scheme 3 as an appropriate massing design that incorporates the height and FAR allowances of the proposed NC3P-75 (M) zone while sufficiently addressing surrounding context.
- D. The Board discussed a variation of Scheme 3 presented by the applicant at the early design guidance meeting, which offered a taller base height on the west side of the building. A majority of Board members preferred the shorter four-story base height shown in the packet compared to the taller five story base height in the character sketches. The Board supported the shorter base height due to its stronger height transition to the east and south and a stronger expression of the design concept compared to the taller base height.

2

Concept and Materials

- A. The Board supported the expression of the concept through use of brick and wood as primary materials whose transitions coincide with the massing shifts of Scheme 3. Additionally, the Board encouraged strengthening the legibility of the concept throughout the building design.
- B. A majority of the Board members supported the use of brick as an exterior material and supported the use of a non-red brick color to better fit within the surrounding commercial and industrial character.
- C. The Board supported the intent for façade depth shown in the character sketches presented at the early design guidance meeting, including the intended depth of residential decks and rigor in fenestration pattern.
- D. The Board encouraged the applicant to develop the terrace spaces on top of the shorter western base to both strengthen the concept legibility and to serve as usable spaces.

3

Streetscape

- A. The Board supported the conceptual design of the building frontage onto NW Market Street frontage, which includes the Burke-Gilman Trail. The Board requested additional detail at the Recommendation phase showing the incorporation of various frontage areas intended for seating, landscaping, and bicycle/pedestrian movement. The Board cited the NW Market Street frontage of the Nordic Heritage Museum as a strong example of landscaping and lighting that could serve as a model for this site.
- B. The Board requested additional detail at the Recommendation phase for the intended streetscape character along 26th Avenue NW and NW 54th Street. The design should demonstrate how active and pedestrian-scaled frontages will be continued along these frontages from the NW Market Street frontage. The Board encouraged the use of continuous active uses along the 26th Avenue NW frontage.
- C. The Board encouraged strong interaction between the commercial spaces and the NW Market Street frontage, and specifically identified the ground level space within the vertical notch as an important outdoor extension of the commercial spaces that should allow for a strong connection to the street frontage.
- D. The Board encouraged the incorporation of flexibility into the design of the commercial spaces to allow for inclusion of tenants with various commercial space needs.
- E. The Board identified the need for additional development of the residential lobby to improve its interaction with the streetscape and its legibility as the residential entry.

4

Solid Waste/Site Access

- A. The Board generally supported the placement of the parking garage entrance on NW 54th Street to coincide with the parking entrance of the adjacent Ballard Yards development and to minimize interruption of other street frontages with driveway access.
- B. In its discussion of solid waste storage/staging design, the Board prioritized the need for a design that is minimally-visible from public view and integrated into the design of the site and building. The Board expressed its general preference of a solid waste storage/staging area along NW 54th Street to coincide with the similar uses of the adjacent Ballard Yards project to the east, but stated that the location of the storage/staging area was secondary to the need for its integration into the overall design and minimized visibility.
- C. The Board supported the proposal for residential units and stoops along NW 54th Street and the intent for residential ground-level interaction with industrial uses to the south. The Board cautioned that future placement of a driveway and solid waste storage area should not compromise the interaction of residential uses with the NW 54th Street frontage.



Design Proposal—

'WALK AROUND THE BLOCK' - CONTEXTUAL STREET PERSPECTIVES



'WALK AROUND THE BLOCK' - CONTEXTUAL STREET PERSPECTIVES



'WALK AROUND THE BLOCK' - MARKET STREET PERSPECTIVE

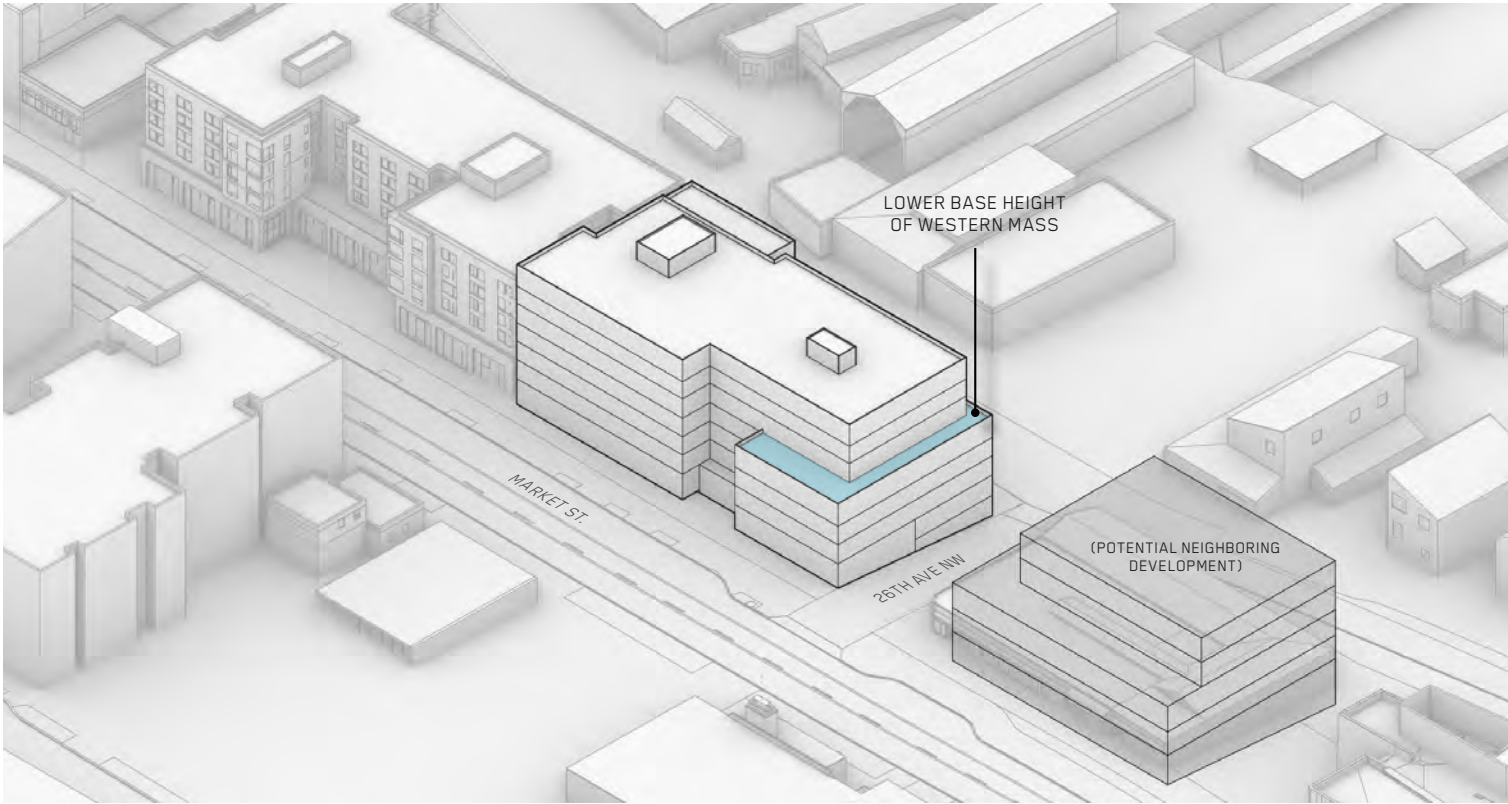


'WALK AROUND THE BLOCK' - 54TH STREET PERSPECTIVE

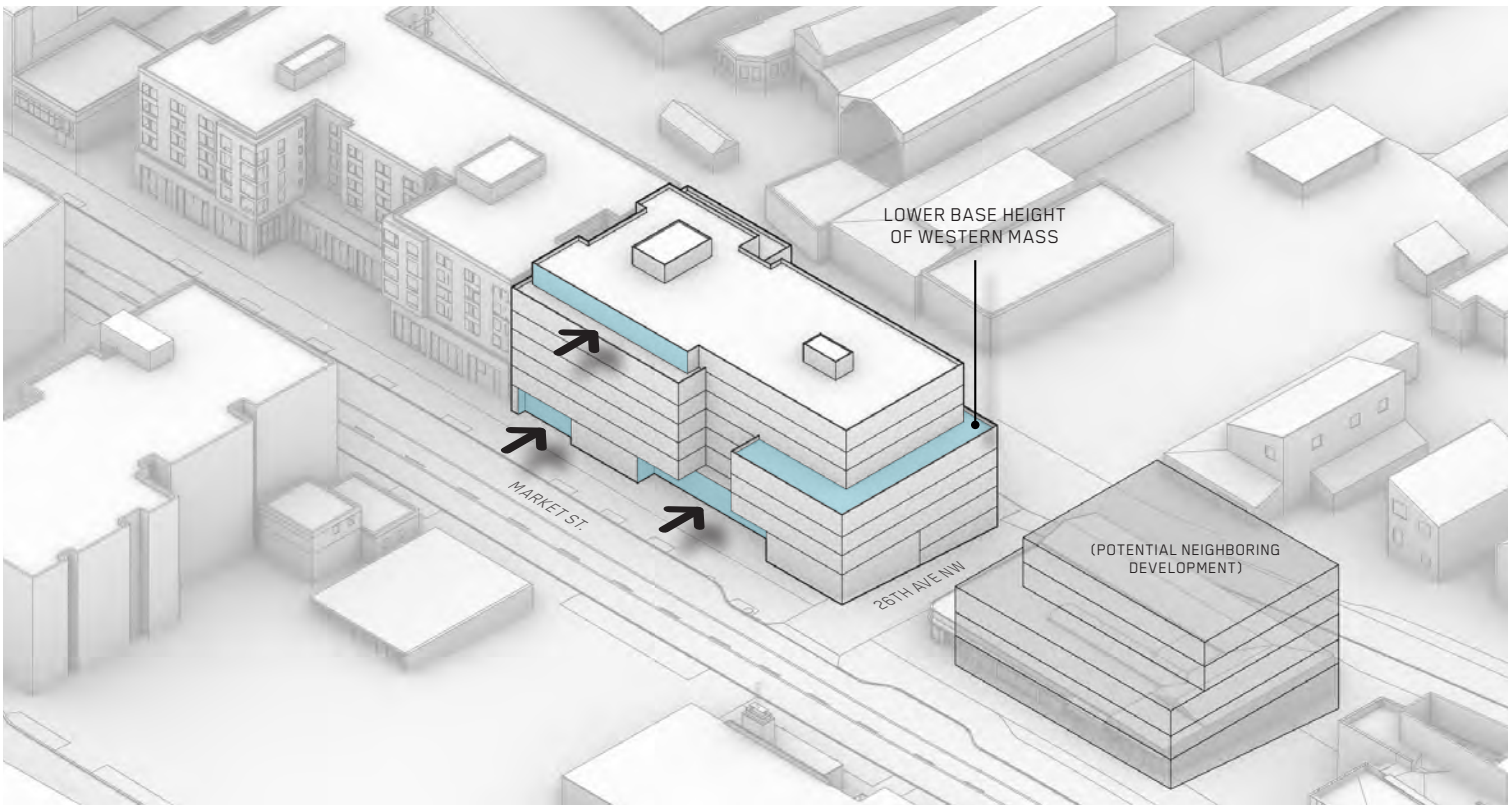


RESPONSE TO EDG - MASSING - BASE HEIGHT OF WESTERN MASS

- 1 Massing (01.B)
- 2 Concept and Materials
- 3 Streetscape
- 4 Solid Waste/Site Access



1 EDG - NORTHWEST AXON



2 DRB - NORTHWEST AXON

Response to EDG:
Massing (01.B)
The design team has proceeded with a shorter base height along the Western mass. This allows the terraces to successfully transition to the lower building heights of the adjacent context.
Additionally, the proposed design has added an upper level setback along Market St. to continue the datum of the neighboring Ballard Yards as well as notches at the ground plane to expand the public realm.

RESPONSE TO EDG - CONCEPT AND MATERIALS - NEIGHBORHOOD PRECEDENTS

- 1
Massing
- 2
Concept and Materials
- 3
Streetscape
- 4
Solid Waste/Site Access

- These examples show **restrained color palettes** that use more **neutral tones with occasional accents**, shown on Odin and Greenfire apartments.
- ‘Ballard Yards’, directly next door to our site, has a **neutral palette** yet composes its massing in a more animated way.

RESTRAINED MATERIAL PALETTES:



ODIN APARTMENTS



GREENFIRE



BALLARD YARDS



VALDOK

RESPONSE TO EDG - CONCEPT AND MATERIALS - DEVELOPMENT

1 Massing

2 Concept and Materials

3 Streetscape

4 Solid Waste/Site Access

- During Early Design Guidance: “A majority of the Board members supported the use of brick as an exterior material and supported the use of a non-red brick color to better fit within the surrounding commercial and industrial character.”

1 EDG - PRODEMA (WOOD)



2 DRB EXPLORATION - BLACK FIBER CEMENT PANEL (CONTINUED ON NEXT PAGE)



RESPONSE TO EDG - CONCEPT AND MATERIALS - DEVELOPMENT

1 Massing

2 Concept and Materials

3 Streetscape

4 Solid Waste/Site Access

- During Early Design Guidance: “A majority of the Board members supported the use of brick as an exterior material and supported the use of a non-red brick color to better fit within the surrounding commercial and industrial character.”

3 DRB EXPLORATION - ALL BRICK, TWO BRICK BLENDS



3 DRB FINAL - ALL BRICK. ONE BLEND

*PROPOSED



RESPONSE TO EDG - CONCEPT AND MATERIALS - BRICK PRECEDENTS

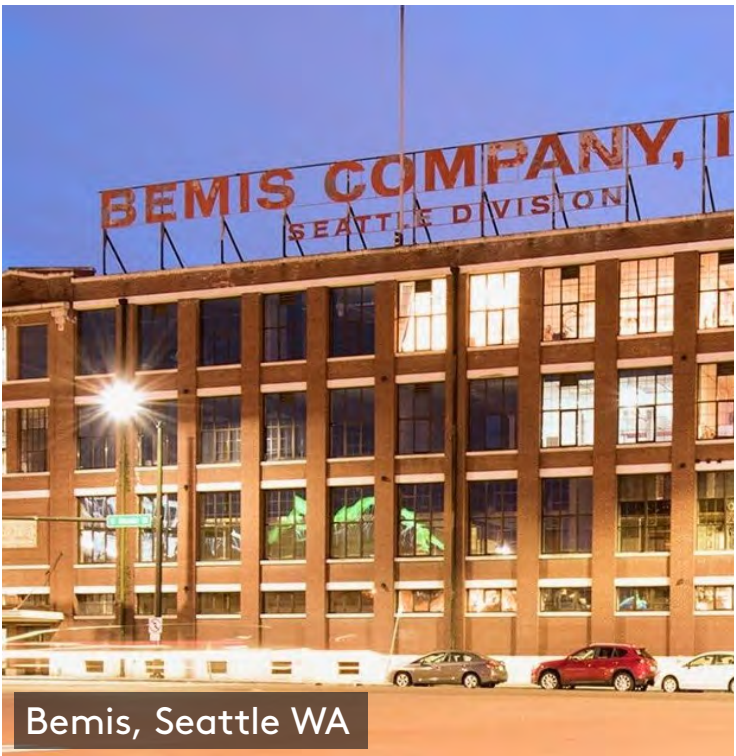
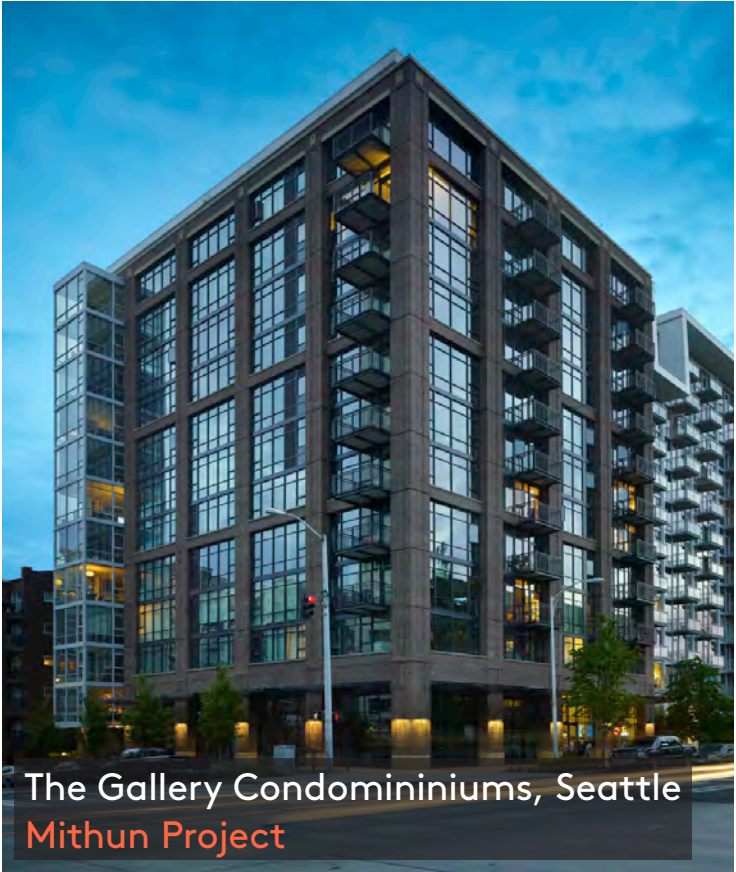
- 1
Massing
- 2
Concept and Materials
- 3
Streetscape
- 4
Solid Waste/Site Access

For 2501 Market we are proposing brick as the primary material for a number of reasons:

- Brick is used on much of the historic stock of 'old Ballard.'
- Brick is a loved material by many as it has such an interesting texture, permanence and tactile quality.
- Brick will be distinctive for the neighborhood as it has not been used much as the primary material on modern buildings.
- Brick is durable and has a relationship to industrial Ballard.

The examples shown are inspirational in their use and proportion. We see a level of detail that has inspired us to integrate into our project

BRICK MATERIAL PALETTES:



RESPONSE TO EDG - CONCEPT AND MATERIALS - EXTERIOR MATERIALS

1

Massing

2

Concept and Materials

3

Streetscape

4

Solid Waste/Site Access

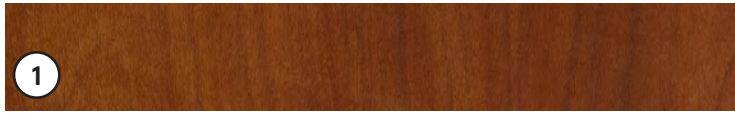
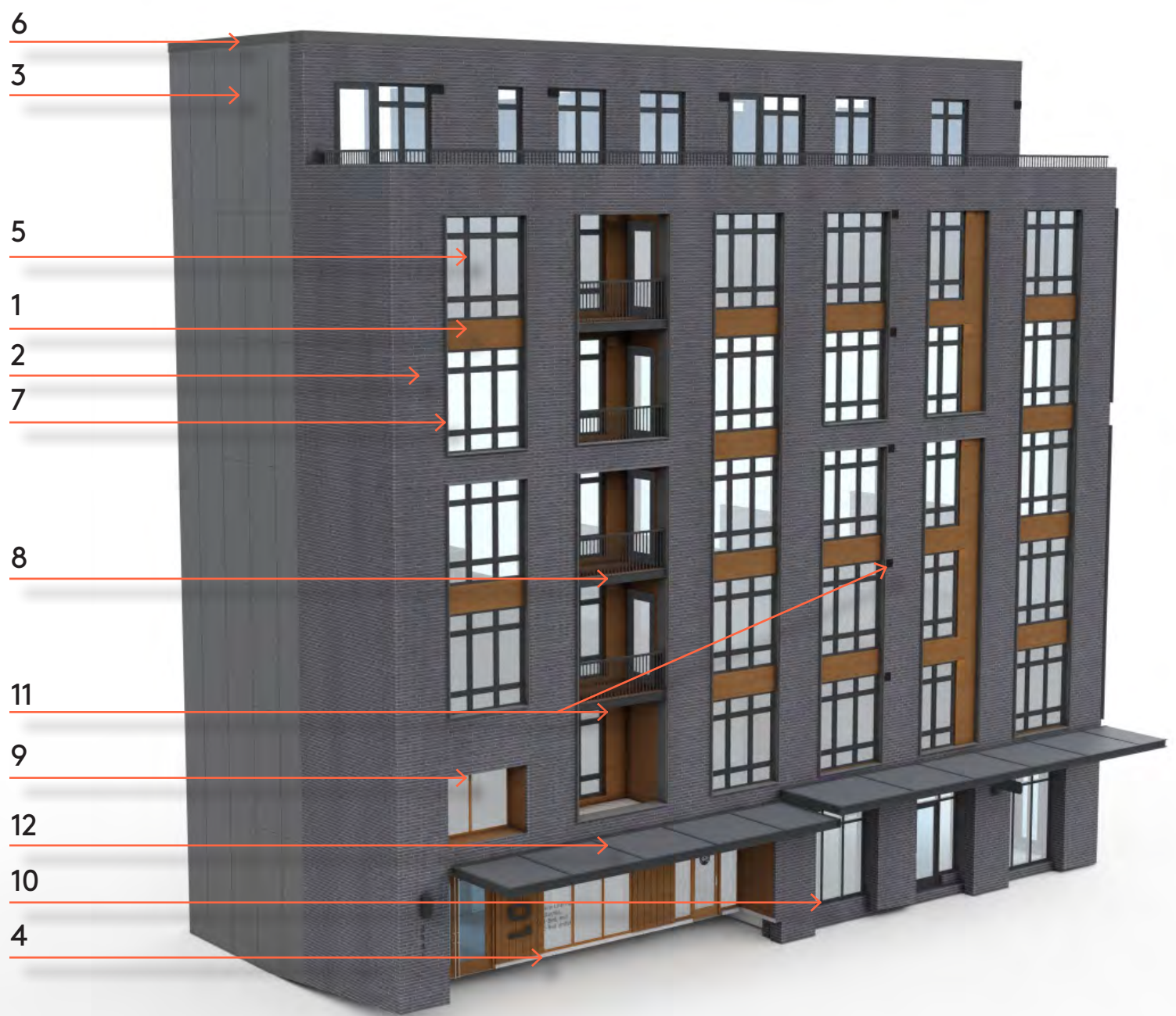
This view along Market displays our proposed material character and palette:

- A dark gray brick will be the primary material accented with wood infill panels and soffits.
- The brick will have a range of tones and texture to give a very tactile appeal - not seen in Ballard since the early historic buildings.
- Dark mullions compliment the brick at the windows and store front.
- Dark metal 'shrouds' line our windows to create a more crisp modern detailing, give a shadow line and depth, and show a level of 'craft' to the project.
- Large windows have been carefully proportioned and utilize high performance, clear glass to give a nice animated contrast to the solid material palette.



RESPONSE TO EDG - CONCEPT AND MATERIALS - EXTERIOR MATERIALS

- 1
Massing
- 2
Concept and Materials
- 3
Streetscape
- 4
Solid Waste/Site Access



1
Composite Wood Panel: *Prodema, Rustik Matt*



2
Brick Veneer: *Mutual Materials, Standard Size, Running Bond, Coal Creek color*



3
Hardie Panel: *Siding, Painted (SW Iron Ore)*



4
Concrete Base: *Site Poured*



5
Windows: *VPI Endurance Series, Integral Color Black*



6
Metal Coping: *Pre-finished (SW Iron Ore)*



7
Metal Shroud: *Sheet Metal, Painted, at Windows, (SW 'Iron Ore')*



8
Metal Balconies & Handrails: *Pre-finished, Bolt-on With Vertical Pickets and C-Channel Frame (Black)*



9
Residential Entry Mullions: *Pre-finished Aluminum, Custom Color (to Match Prodema)*



10
Storefront Mullions: *Pre-finished (Anodized Black)*



11
Unit Vents: *Sheet Metal, Painted (SW Rustic Red / SW Iron Ore)*



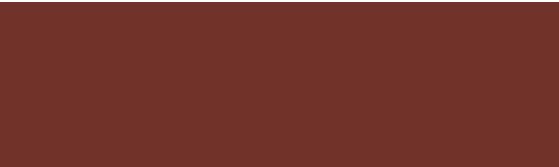
12
Metal Canopy: *Painted, with C-Channel beam (SW Tricorn Black)*



RESPONSE TO EDG - CONCEPT AND MATERIALS - EXTERIOR MATERIALS



① Composite Wood Panel
Prodema, Rustik Matt



⑪.B Unit Vents
*Sheet Metal, Painted
Sherwin Williams 'Rustic Red' SW 7593*

⑨ Aluminum Storefront Mullions at Residential Entry

Pre-finished, Sherwin Williams 'Rustic Red' SW



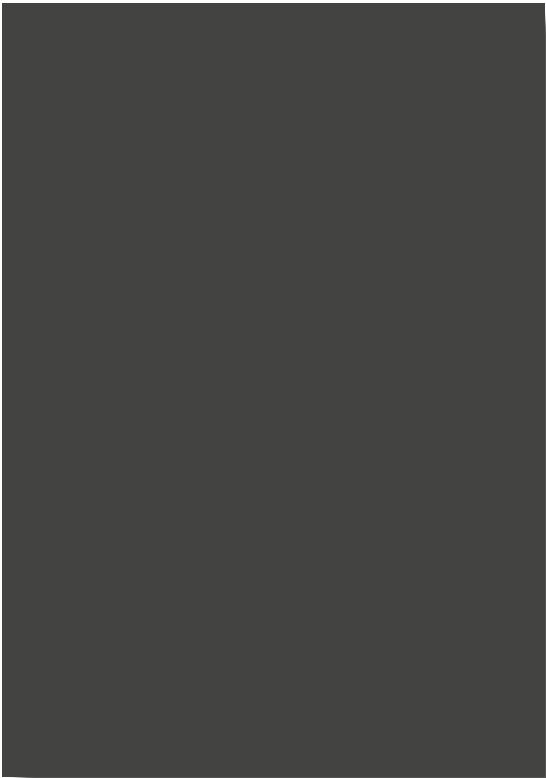
⑬ Wood Soffit, Stained to Match Prodema



② Brick Veneer
Mutual Materials, Standard Size, Running Bond, Coal Creek Color



④ Site Poured Concrete



③ Fiber Cement Siding
*Hardie Panel, Smooth Finish, Painted
Sherwin Williams 'Iron Ore' SW 7069*

⑦ Metal Shroud
*Sheet Metal, Painted
Sherwin Williams 'Iron Ore' SW 7069*

⑪.A Unit Vents
*Sheet Metal, Painted
Sherwin Williams 'Iron Ore' SW 7069*



⑫ Metal Canopy
*Painted, With C-Channel Frame
Sherwin Williams 'Tricorn Black' SW 6258*

⑧.1 Metal Balconies
*Pre-Finished, Bolt-on With Vertical Pickets and C-Channel Frame
Sherwin Williams 'Tricorn Black' SW 6258*



⑩ Aluminum Storefront Mullions
Pre-finished, Anodized Black



⑧.2 Aluminum Railing, Black



⑤.1 Fiberglass Window (Black)



⑤.2 Vinyl Window (Black)

RESPONSE TO EDG - CONCEPT AND MATERIALS - EXTERIOR MATERIALS



NORTH ELEVATIONS

DRAFT



RESPONSE TO EDG - CONCEPT AND MATERIALS - EXTERIOR MATERIALS



SOUTH ELEVATIONS

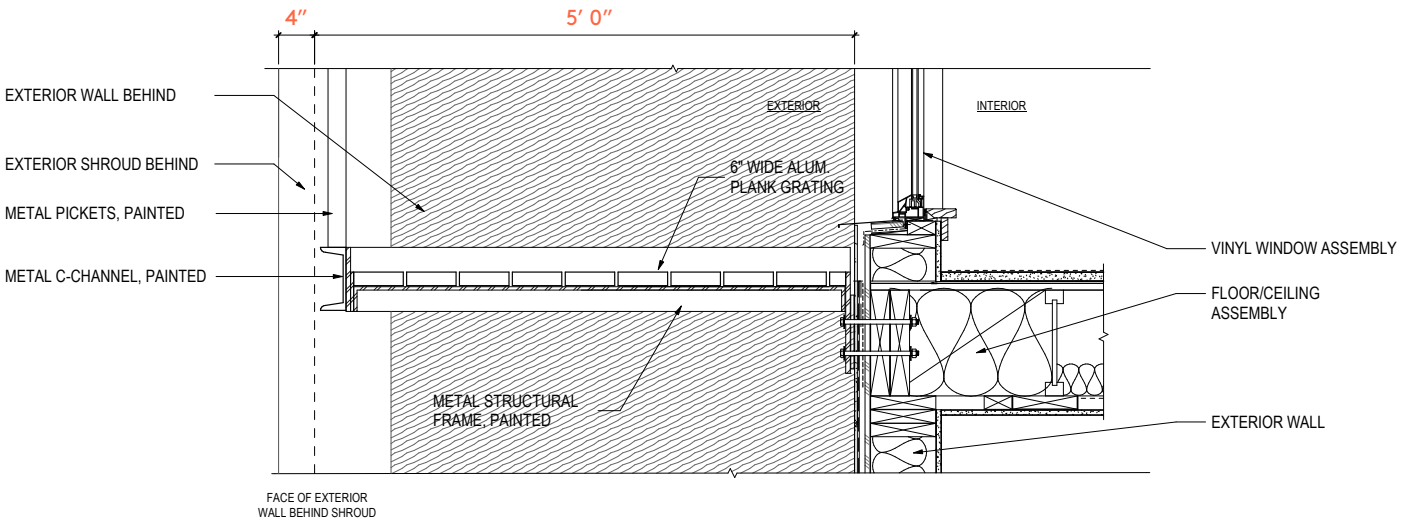
RESPONSE TO EDG - CONCEPT AND MATERIALS - EXTERIOR MATERIALS



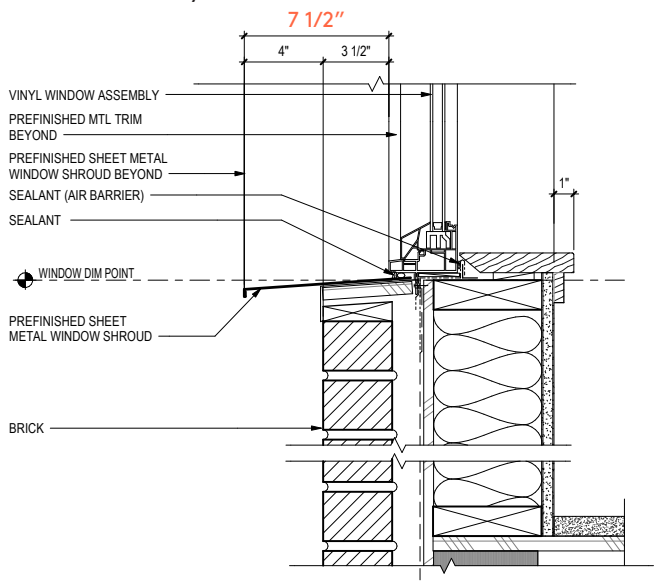
WEST ELEVATIONS

DRAFT

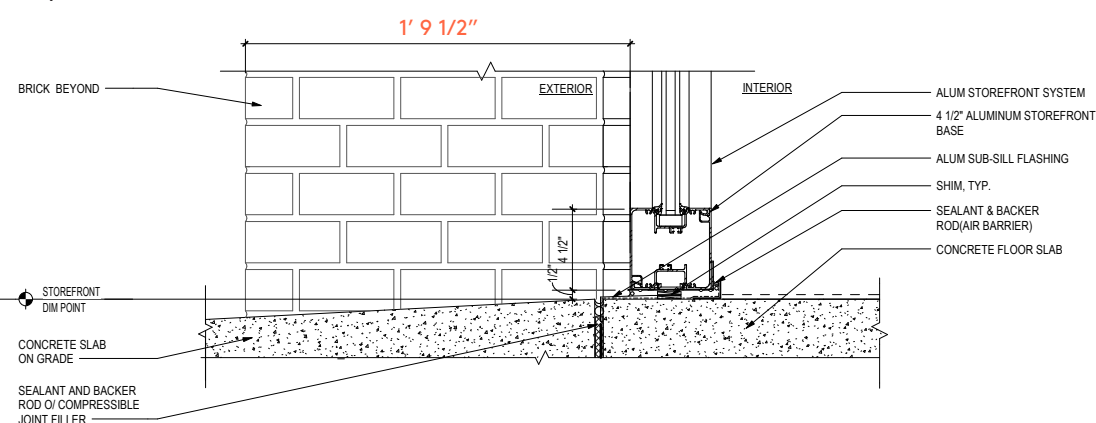
RESPONSE TO EDG - CONCEPT AND MATERIALS - FACADE DEPTH



1 Inset Balcony Detail



2 Vinyl Window Sill at Brick Detail



3 Storefront Sill Detail

DRAFT



RESPONSE TO EDG - CONCEPTS AND MATERIALS - TERRACED SPACES ALONG WESTERN MASS

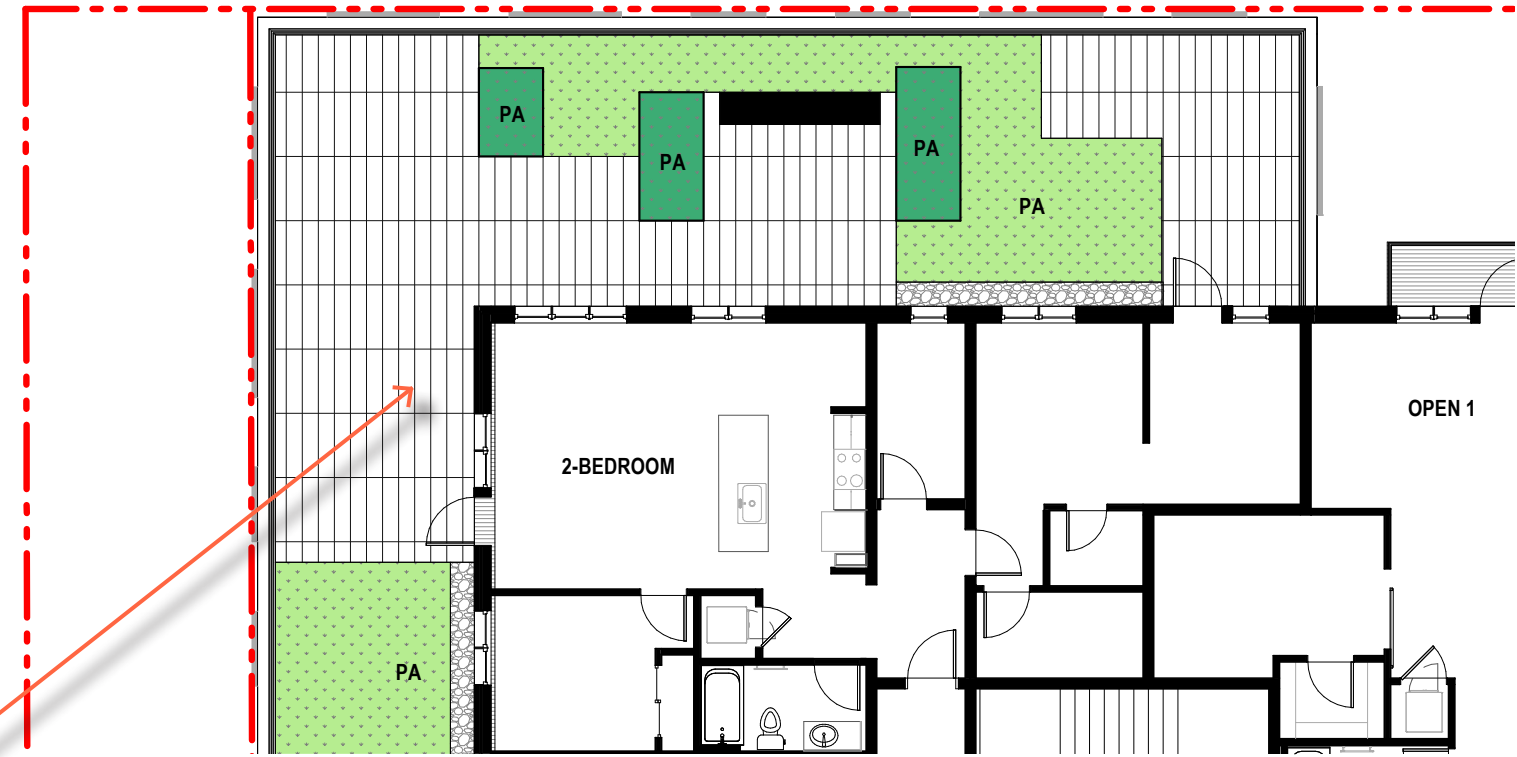
- 1
Massing
- 2
Concept and Materials (02.D)
- 3
Streetscape
- 4
Solid Waste/Site Access

Terrace Design

Residents are provided with substantial outdoor space along the top of the Western mass, which overlooks the activity along Market St, the industrial uses to the south, and the waterfront.

Terrace Landscaping

Landscaping along the terrace softens the space, provides shade for residents, and strengthens the legibility of the concept from street level.



Level 06 Terrace Plan



Level 06 Terrace Viewed from Market St., Facing West

- Response to EDG:
- Concept and Materias (02.D)
- Landscaping is provided along the terrace to **improve its spatial quality** and both **soften and humanize its perimeter**.
 - Terraces extend to the building edge allowing their **activity, greenery, and life to be visible to pedestrians** in the public realm.
 - The setback of the **massing allows ample light and air to reach the terraced spaces** along the Western mass.

RESPONSE TO EDG - STREETScape - MARKET STREET FRONTAGE

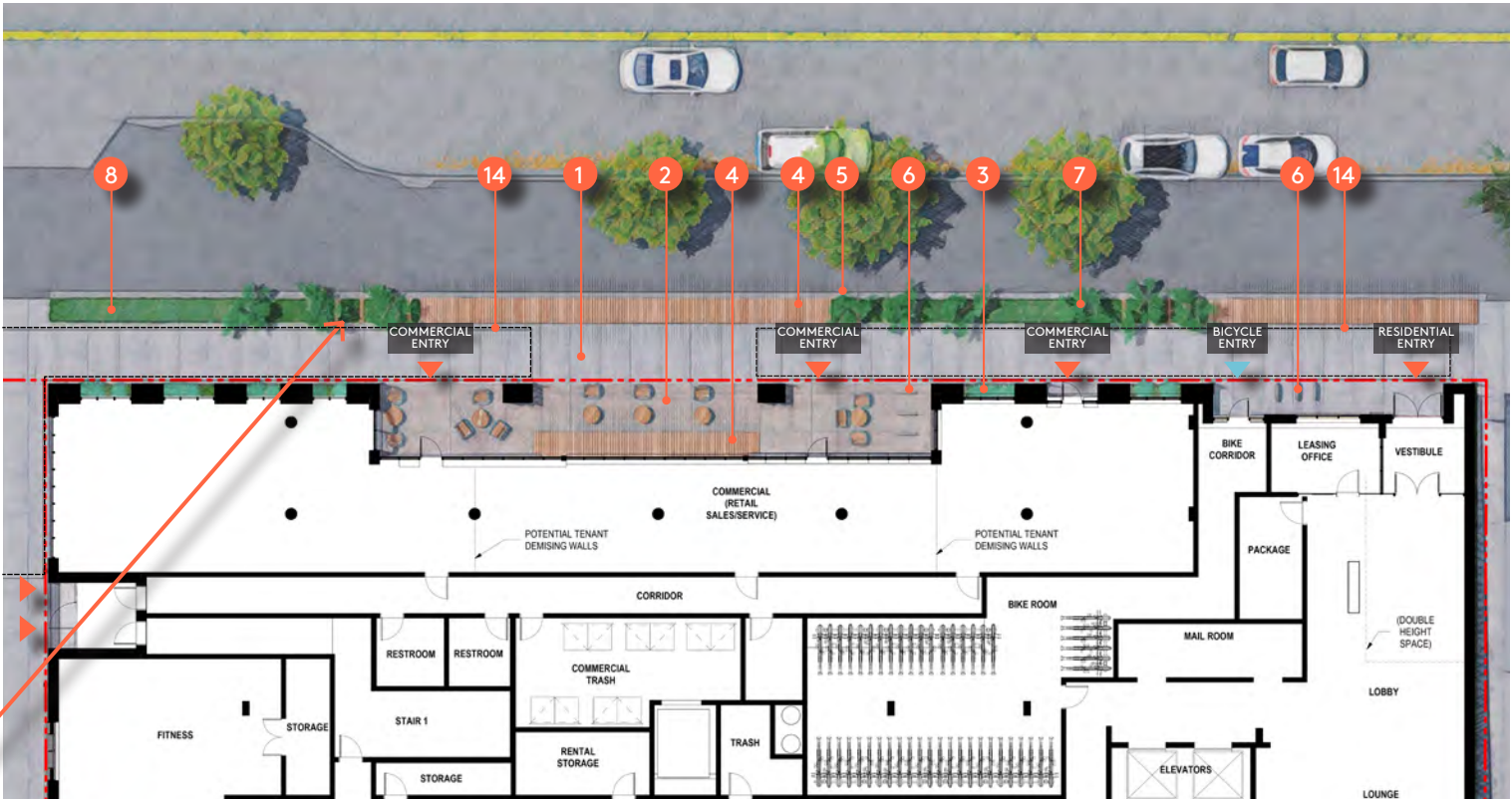
- 1
Massing
- 2
Concept and Materials
- 3
Streetscape (03.A)
- 4
Solid Waste/Site Access

Paving and Planting

A 'wave bench' with planting and seating provides separation between areas adjacent to commercial use and pedestrian movement.

'Notch' along NW Market St.

Notch provides seating with additional separation from bicycle traffic. Seating located within the notch frees space for pedestrians to travel alongside the Burke Gilman trail.



Composite Site Plan Illustrating Pedestrian Experience along Market St.



Rendering of Pedestrian Experience along Market St., Facing East

Response to EDG: Streetscape (03.A)

- The design of the Nordic Museum street frontage was studied and influenced the landscape design shown.
- The building is notched and set back to provide additional public realm space.
- The residential entry is recessed to create a distinctive space and provide more area to the public realm.
- Paving types, planting buffers, and a 'wave bench' separate uses (pedestrian, seating, Burke Gilman Trail, etc.) along the NW Market St. frontage.
- The notch in the building design allows additional seating located away from bicycle traffic to the North.



LEGEND

- 1. SDOT STANDARD CONCRETE PAVING
- 2. ENHANCED FINISH CONCRETE PAVING
- 3. RAISED STEEL PLANTER
- 4. WAVE BENCH
- 5. TRUNCATED DOME PAVERS
- 6. BIKE RACKS, (6) TOTAL
- 7. PROPOSED TREE, TYP.
- 8. WAVE PLANTING AREA
- 14. CANOPY ABOVE, TYP.

RESPONSE TO EDG - STREETScape - MARKET STREET FRONTAGE



COMPOSITE LANDSCAPE SITE PLAN / FLOOR PLAN

DRAFT



RESPONSE TO EDG - STREETScape - MARKET STREET FRONTAGE

NW MARKET ST. - PROPOSED WAVE BENCH



WAVE BENCH - PRECEDENT IMAGERY AND EXAMPLES



PERSPECTIVES - MARKET ST. PEDESTRIAN EXPERIENCE

Looking west from the Burke Gillman trail showing our Base / Middle / Top elements of the brick facade along Market Street.



PERSPECTIVES - MARKET ST. PEDESTRIAN EXPERIENCE

Looking East from the Burke Gillman Trail , with the proposed animated ‘wave’ bench and landscape, the storefront base is articulated and carved out to create a much deeper public realm space for seating and circulation



RESPONSE TO EDG - STREETSCAPE - CHARACTER OF 26TH STREET

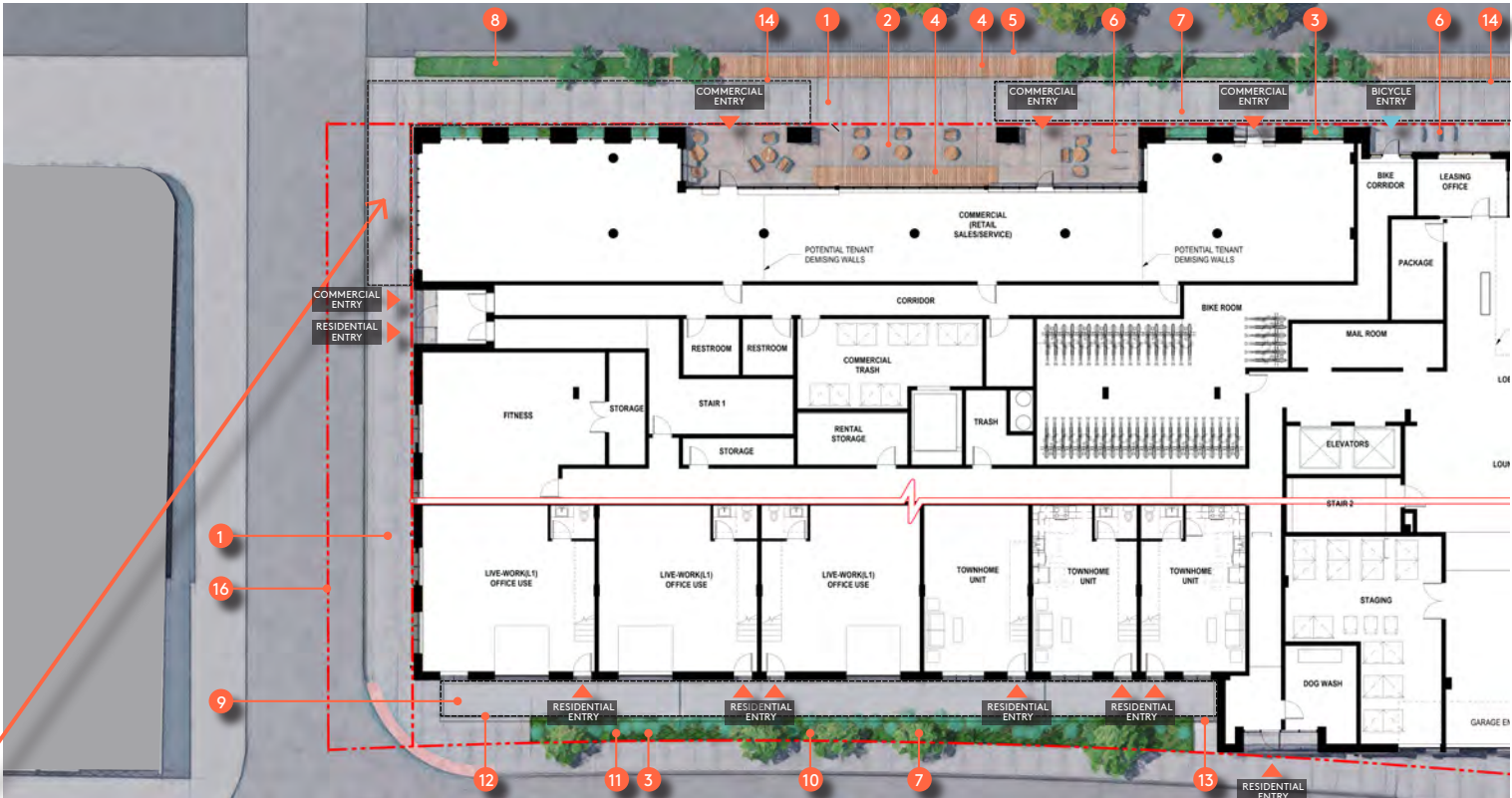
- 1 Massing
- 2 Concept and Materials
- 3 Streetscape (03.B)
- 4 Solid Waste/Site Access

26th St. Character

Commercial use and overhead weather protection wraps corner onto 26th St.

Screening and Facade Fenestration

Screening and facade fenestration provide a human scale pedestrian experience to this one block improved street accessing the industrial waterfront.



Composite Site Plan Illustrating Pedestrian Experience along 26th St.



Rendering of Pedestrian Experience along 26th Street

Response to EDG: Streetscape (03.B)

- Active uses are located along Market St. in response to requests from the community.
- Commercial use wraps the Northwest corner of the building and extends onto 26th.
- Building entries, human scale screening, and residential facade fenestration contribute to the pedestrian experience along 26th.

LEGEND

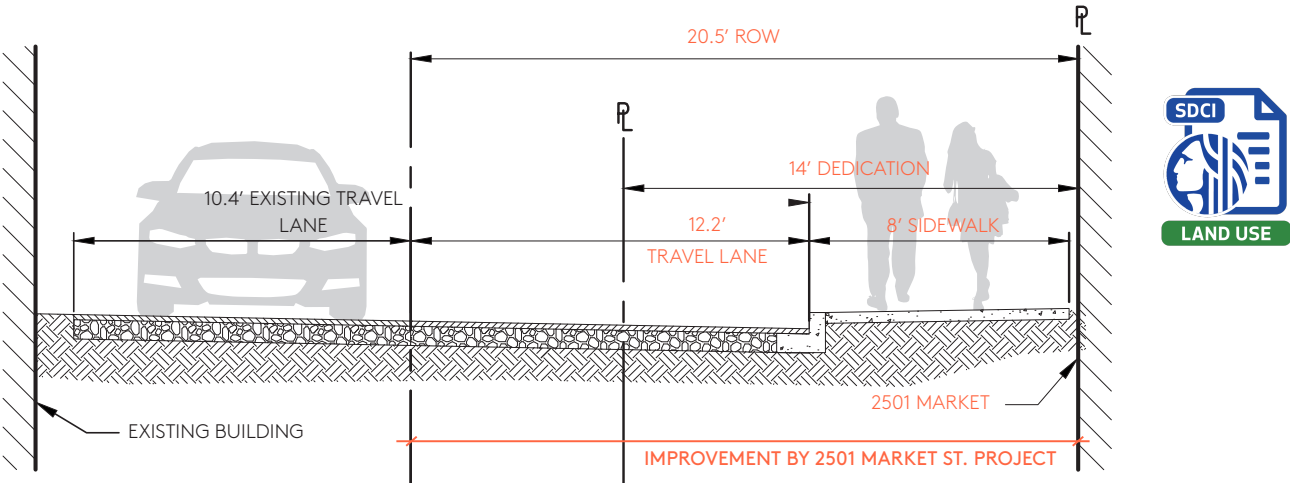
- 1. SDOT STANDARD CONCRETE PAVING
- 2. ENHANCED FINISH CONCRETE PAVING
- 3. RAISED STEEL PLANTER
- 4. WAVE BENCH
- 5. TRUNCATED DOME PAVERS
- 6. BIKE RACKS, (6) TOTAL
- 7. PROPOSED TREE, TYP.
- 8. WAVE PLANTING AREA
- 9. RAMP
- 10. PLANTING AREA, TYP.
- 11. BIORETENTION AREA, TYP.
- 12. HANDRAIL
- 13. CIP CONCRETE STAIR, (1) STEP
- 14. CANOPY ABOVE, TYP.
- 16. PROPERTY LINE

26TH ST. DEVELOPMENT - STREETScape - CHARACTER OF 26TH STREET

1 26TH ST. - EXISTING CONDITIONS



2 26TH ST. - PROPOSED DESIGN



North Facing Street Improvement Section

Currently 26th street is not much more than an unimproved alley. Our project is dedicating 14 feet of its property to the improvement of 26th street and providing an 8 ft sidewalk. This street is a primary access point for the Ballard industrial community. We will be improving 1/2 of the ROW within our scope.

26TH ST. DEVELOPMENT - STREETScape - CHARACTER OF 26TH STREET

26TH ST. - PROPOSED ART SCREEN

ART SCREEN - PRECEDENT IMAGERY AND EXAMPLES



RESPONSE TO EDG - STREETSCAPE - CHARACTER OF 54TH STREET

- 1
Massing
- 2
Concept and Materials
- 3
Streetscape (03.B)
- 4
Solid Waste/Site Access

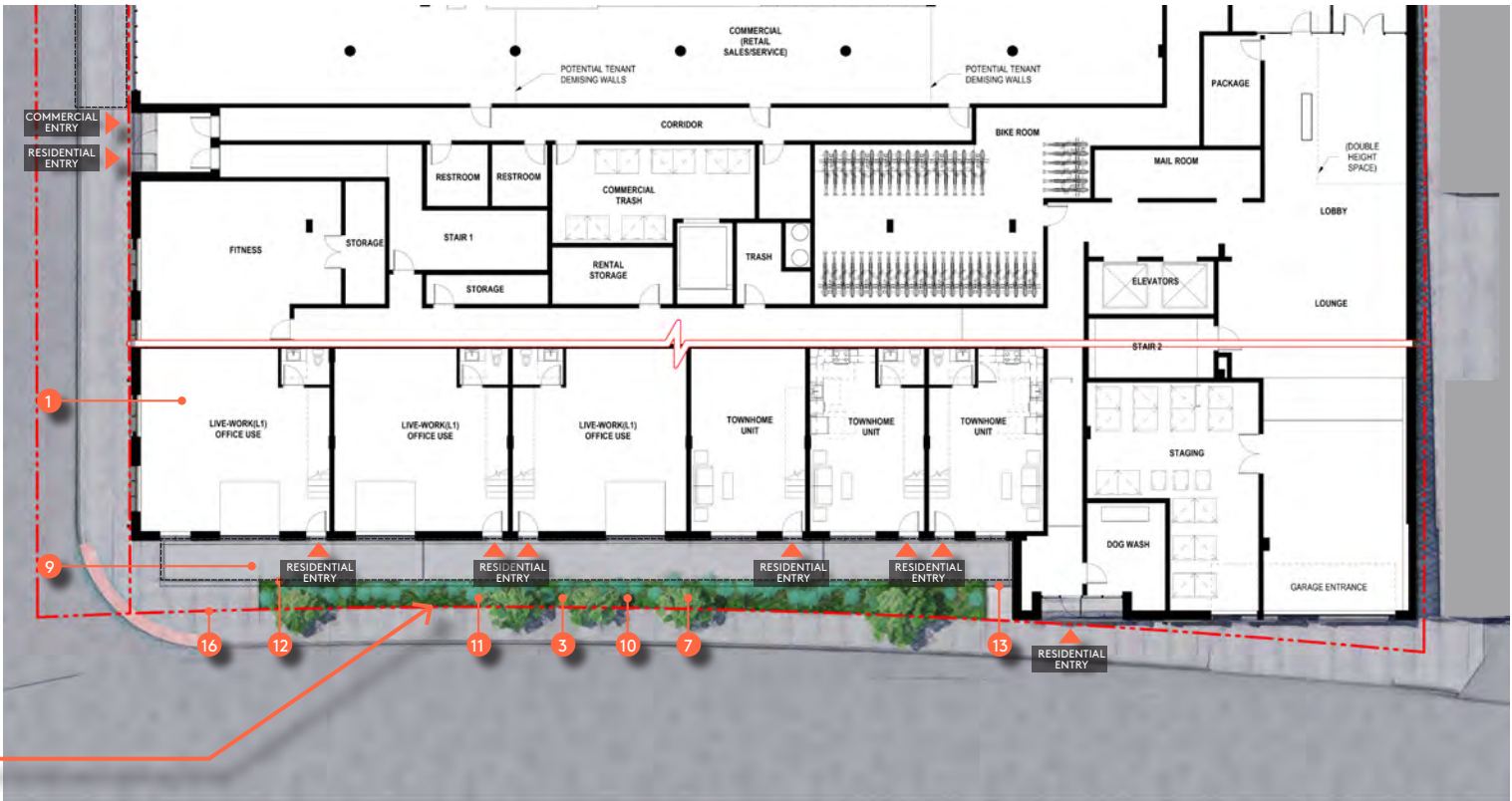
54th St. Screening

Landscape screening and a residential stoop are provided to separate residential uses from the active industrial sites to the South.

54th St. Character

Workshop lofts and residential stoops, street trees, stormwater landscaping, and overhead weather protection provide an industrial character to 54th St. which provides distinction from the back of house uses that are accessed to the East.

The workshop units provide a nice tie into Ballard's industrial waterfront.



Composite Site Plan Illustrating Pedestrian Experience along 54th St.



Rendering of Pedestrian Experience along 54th Street

Response to EDG:

Streetscape (03.B)

- 54th St. is designed to reflect the industrial character of the architecture South of the site.
- Residential Stoops and landscape buffers provide privacy to units along 54th.
- Added street trees provide shade to pedestrians and soften the perimeter of 54th St.

LEGEND

- 1. SDOT STANDARD CONCRETE PAVING
- 3. RAISED STEEL PLANTER
- 7. PROPOSED TREE, TYP.
- 9. RAMP
- 10. PLANTING AREA, TYP.
- 11. BIORETENTION AREA, TYP.
- 12. HANDRAIL
- 13. CIP CONCRETE STAIR, (1) STEP
- 16. PROPERTY LINE

PERSPECTIVES - 54TH ST. PEDESTRIAN EXPERIENCE



SECTIONS - 54TH ST. PEDESTRIAN EXPERIENCE



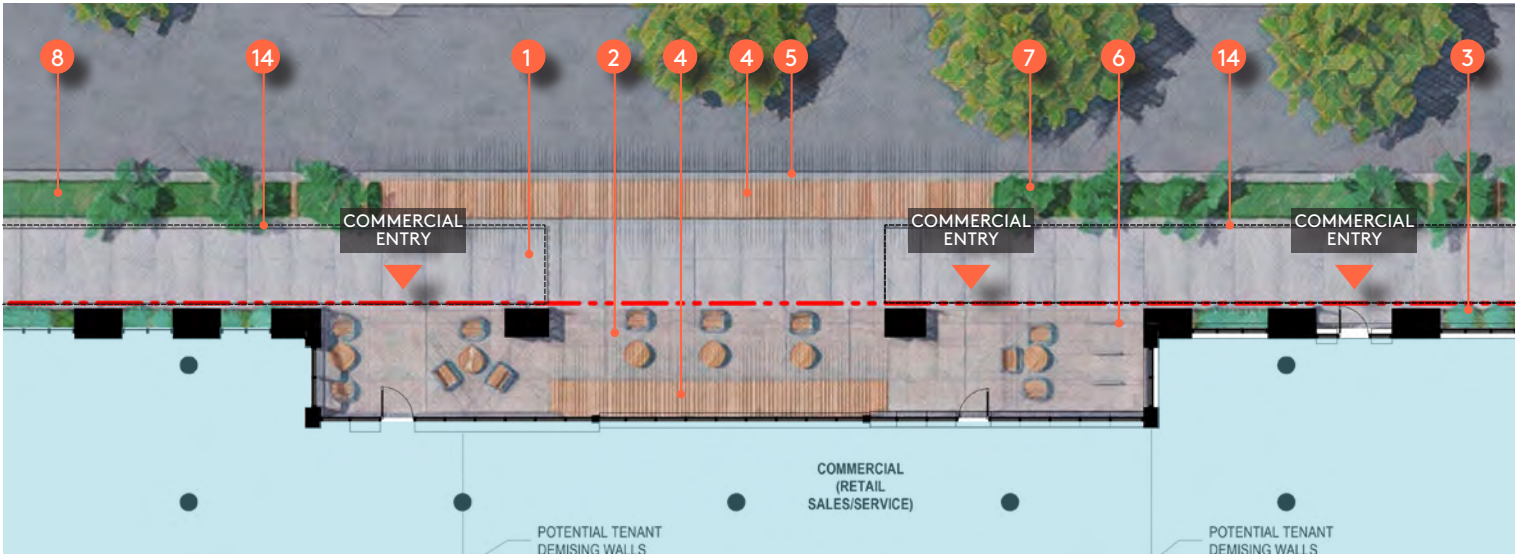
PERSPECTIVES - 54TH ST. PEDESTRIAN EXPERIENCE

Street level view from 54th Street looking West. 54th is used primarily for the Ballard industrial community but will also serve access for the 67 stall parking garage and trash / recycle pick up. An additional south access entry is available for residents adjacent to the dog washing amenity. Perched above this is the residential 'social lounge' and south facing porch.



RESPONSE TO EDG - STREETScape - COMMERCIAL INTERACTION AT MARKET ST.

- 1
Massing
- 2
Concept and Materials
- 3
Streetscape (03.C)
- 4
Solid Waste/Site Access



Ground Floor Plan of 'Vertical Notch'



Rendering of Vertical Notch and Commercial Street Frontage

'Notch' as Connection to Street Frontage

Notch includes entries to designated commercial spaces, so tenants can provide outdoor seating that activates the public realm along Market St.

Response to EDG: Streetscape (03.C)

- Vertical notch in the massing is provided for additional public realm space.
- Notch is designed as an extension to the commercial space and to designate clear commercial entries.
- Notch provides commercial outdoor seating with overhead weather protection.

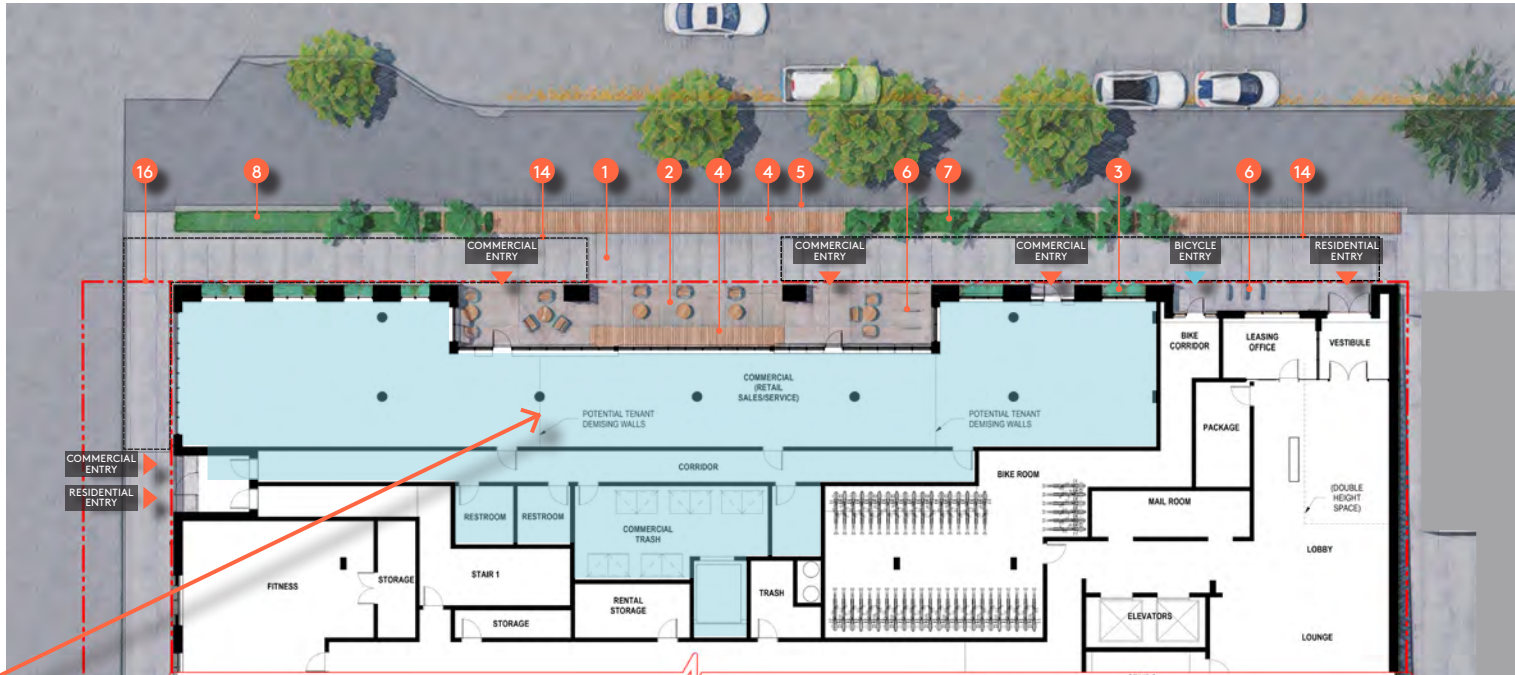
39

LEGEND

- 1. SDOT STANDARD CONCRETE PAVING
- 2. ENHANCED FINISH CONCRETE PAVING
- 3. RAISED STEEL PLANTER
- 4. WAVE BENCH
- 5. TRUNCATED DOME PAVERS
- 6. BIKE RACKS, (6) TOTAL
- 7. PROPOSED TREE, TYP.
- 8. WAVE PLANTING AREA
- 14. CANOPY ABOVE, TYP.

RESPONSE TO EDG - STREETSCAPE - FLEXIBILITY OF COMMERCIAL SPACE

- 1
Massing
- 2
Concept and Materials
- 3
Streetscape (03.D)
- 4
Solid Waste/Site Access



Ground Floor Plan with Commercial Demising Indicated

Commercial Demising

Demising walls were placed to allow for a variety of leasing areas

Facade Patterning

Modular facade design provides flexibility for altering commercial tenant layouts in the future.



North Elevation with Commercial Demising Indicated

Response to EDG:

Streetscape (03.D)

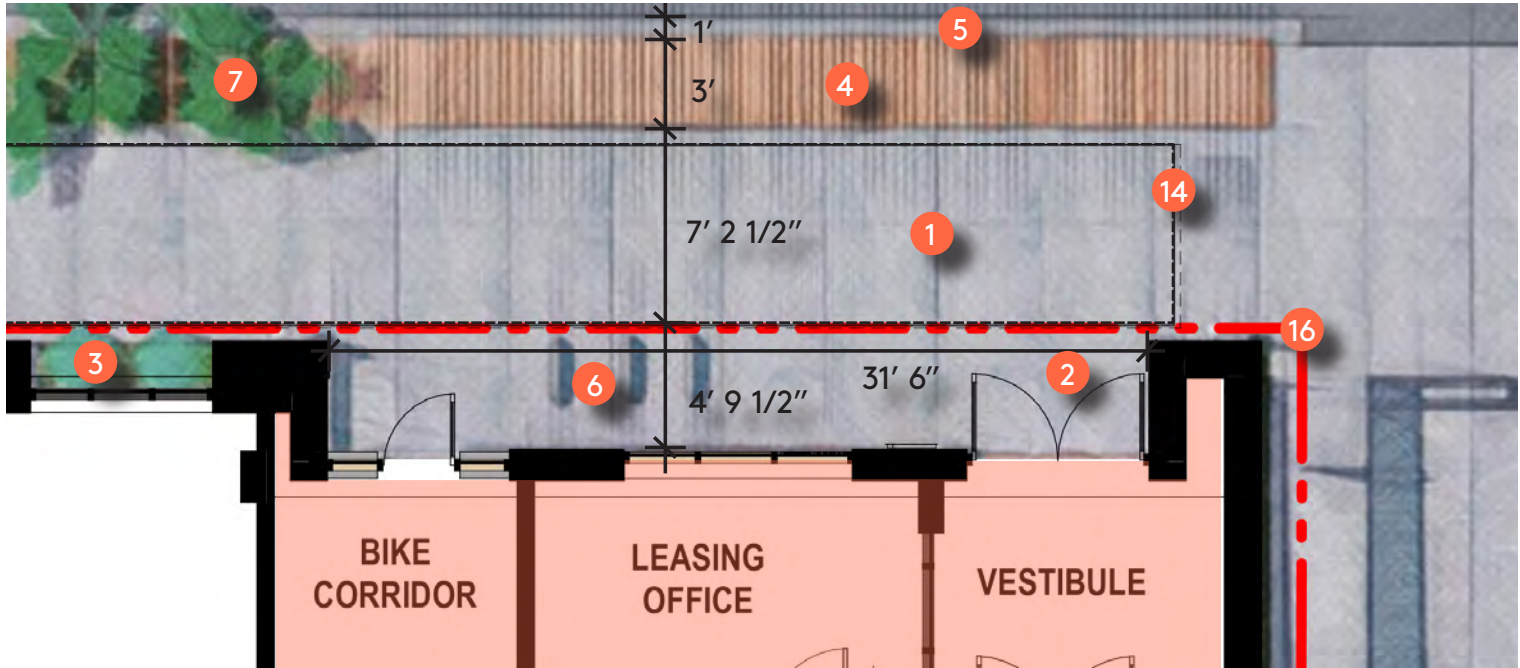
- The space can be divided into approx. 500 sf to 1,000 sf each to provide small and neighborhood scale commercial spaces.
- The commercial space is designed to be flexible with three accessible at-grade entrances and meet various commercial space needs.
- Commercial space has been designed to include a ducted vent hood, which would accomodate future dining use.
- The design of the vertical notch considers the use of future commercial tenants, and allows tenants access to dedicated outdoor area.

LEGEND

- 1. SDOT STANDARD CONCRETE PAVING
- 2. ENHANCED FINISH CONCRETE PAVING
- 3. RAISED STEEL PLANTER
- 4. WAVE BENCH
- 5. TRUNCATED DOME PAVERS
- 6. BIKE RACKS, (6) TOTAL
- 7. PROPOSED TREE, TYP.
- 8. WAVE PLANTING AREA
- 14. CANOPY ABOVE, TYP.
- 16. PROPERTY LINE

RESPONSE TO EDG - STREETScape - RESIDENTIAL ENTRY

- 1
Massing
- 2
Concept and Materials
- 3
Streetscape (03.E)
- 4
Solid Waste/Site Access



Ground Floor Plan of Residential Lobby

Double Height Space

The residential lobby is designated as a double height space to provide ample light to the interior and allow a unique expression near the entry.

Facade Patterning at Residential Lobby

The facade fenestration at the lobby is widened to distinguish it from the commercial frontage. Wood cladding is used on this articulated inset to give distinction and warmth to the residential entry / lobby. A convenient residential bike entry is also located here



North Elevation Showing Residential Lobby Entry off of Market St.

- Response to EDG:
- Streetscape (03.E)
- Residential lobby has been designed as a two-story space.
 - The facade fenestration was widened at the lobby to provide for a distinct residential entry.
 - Signage and lighting highlight the entry for pedestrians.

- LEGEND
- 1. SDOT STANDARD CONCRETE PAVING
 - 2. ENHANCED FINISH CONCRETE PAVING
 - 3. RAISED STEEL PLANTER
 - 4. WAVE BENCH
 - 5. TRUNCATED DOME PAVERS
 - 6. BIKE RACKS, (6) TOTAL
 - 7. PROPOSED TREE, TYP.
 - 14. CANOPY ABOVE, TYP.
 - 16. PROPERTY LINE

PERSPECTIVES - RESIDENTIAL ENTRY



PERSPECTIVES - RESIDENTIAL ENTRY



SECTION PERSPECTIVE - RESIDENTIAL ENTRY



RESPONSE TO EDG - SOLID WASTE/SITE ACCESS - VISIBILITY OF SOLID WASTE STAGING

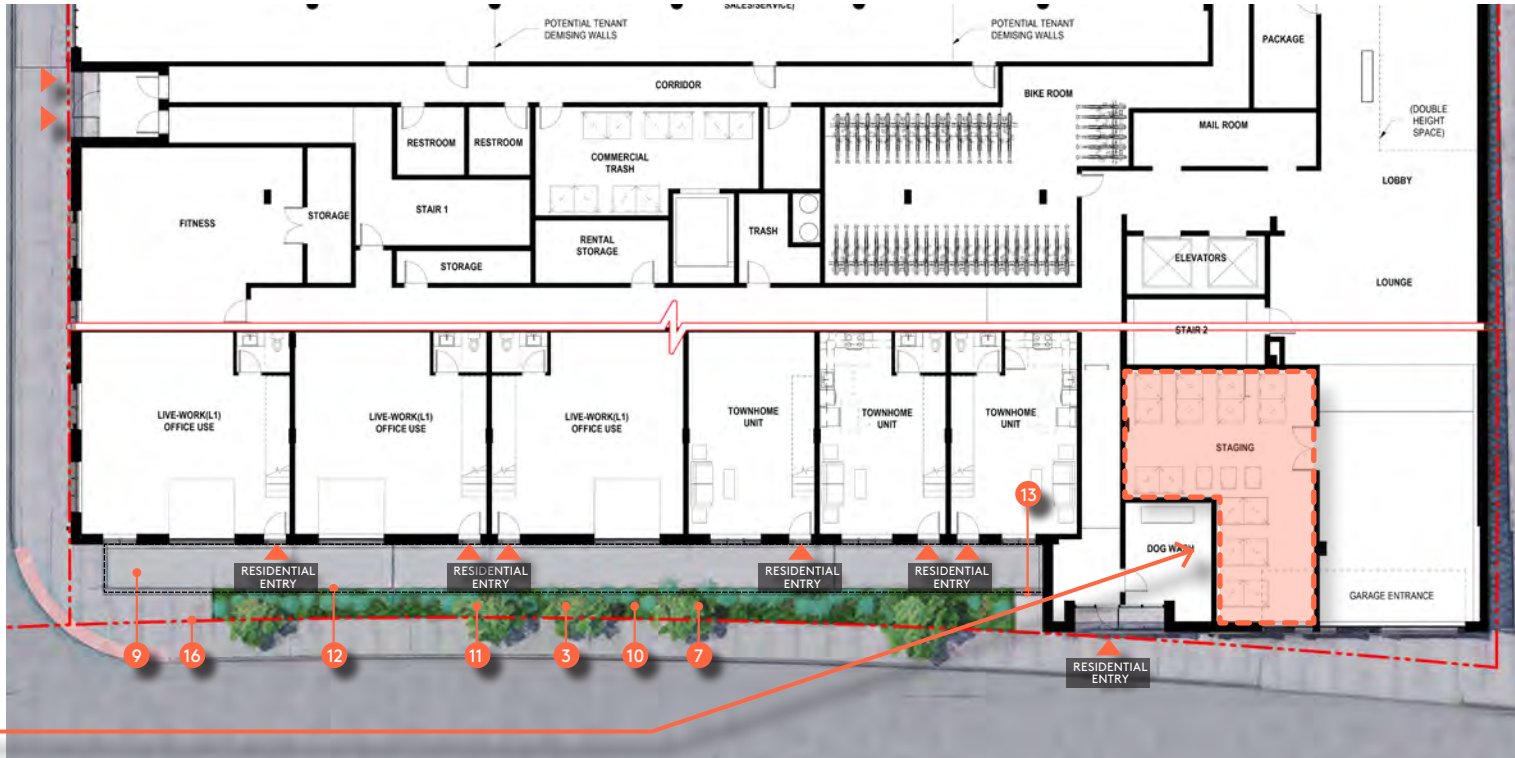
- 1
Massing
- 2
Concept and Materials
- 3
Streetscape
- 4
Solid Waste/Site Access (04.B)

Visibility of Solid Waste Staging

Staging and other back of house uses are separated from residential entries along 54th to minimize visibility.

Location of Solid Waste Staging

Solid waste staging is located indoors and out of public view.



Ground Floor Plan with Solid Waste Staging Indicated



South Elevation, with Solid Waste Staging Indicated

Response to EDG: Solid Waste/Site Access (04.B)

- Solid waste staging is located along NW 54th Street.
- Solid waste staging is located indoors in a dedicated room, completely out of public view.
- Dumpsters are wheeled out of building interior on pickup days and returned immediately after.

- LEGEND**
- 3. RAISED STEEL PLANTER
 - 7. PROPOSED TREE, TYP.
 - 9. RAMP
 - 10. PLANTING AREA, TYP.
 - 11. BIORETENTION AREA, TYP.
 - 12. HANDRAIL
 - 13. CIP CONCRETE STAIR, (1) STEP
 - 16. PROPERTY LINE

RESPONSE TO EDG - SOLID WASTE/SITE ACCESS - SEPARATION OF SOLID WASTE STAGING

- 1
Massing
- 2
Concept and Materials
- 3
Streetscape
- 4
Solid Waste/Site Access (04.C)

Location of Residential Uses

Residential uses are set back from the garage entry and located on the West side of the building to provide separation.

Visibility of Garage Entry

Garage Entry along 54th is minimally visible from the residential street frontage.



Rendering of Garage Entry / Trash Staging along 54th Street



Rendering of Residential Entries along 54th Street

- Response to EDG:
- Solid Waste/Site Access (04.C)
- Parking entry is located at the Southeast corner of the building nearest Ballard Yards.
 - Residential units are located away from the the back of houses uses at the Southeast corner of the building.
 - Trash staging shares the same area as the parking entry, minimizing its impact on the building facade.

RESPONSE TO DESIGN GUIDELINES

Priority applicable design guidelines have been identified based on both Ballard Neighborhood Design Guidelines and the citywide Seattle Design Guidelines.

CS2 URBAN PATTERN AND FORM

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

PROPOSED DESIGN:

Located at a corner site, the proposed design is to build to the northwest corner with a three level upper setback to provide a strong urban edge to anchor the block.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

PROPOSED DESIGN:

An upper level setback along NW Market Street allows the building massing to continue the roof-line datum of the neighboring Ballard Yards project. Along the eastern property line, the upper-level massing is recessed to create a light well that aligns with the light well of the adjacent Ballard Yards building to the east.

BALLARD SUPPLEMENTAL GUIDANCE

CS2-1 Location in the Neighborhood - Sense of Place: Reinforce the character and role of Ballard’s Character Areas(see map on Page 4).

CS2-1-a. Character Core: The mix of historic and heritage buildings create a welcoming business district. Buildings featuring construction techniques from over a century ago establish a distinct character with human scale, detail, and permanence.

1. Build structures to the street and include shops and restaurants along Principal Pedestrian Streets to create a vibrant street and solidify the walkable business district.

2. Respond to design precedents of old buildings by incorporating well-detailed, quality construction and transparent streetlevel facades. Draw attention to entrances, and use variety in awnings and signs.

3. Building massing should create human-scaled buildings, through their approach to the required upper setbacks, and employing massing breaks that avoid creating a continuous canyon - especially on NW Market St.

4. Detailed building form is preferred instead of ornamental decoration.

PROPOSED DESIGN:

Located in a Character Core and mixed use area, the building design exercises architectural character, material application, and form to compliment the growing urban village, the nearby Ballard Avenue landmark character area, and acknowledge the adjacent industrial uses located along the waterfront. The building modulation incorporates a vertical 30’ wide by 18’ deep massing break and reduces the perceived length of the building facade along NW Market Street. The building massing provides generous upper-level setbacks with a terraced form expression to reduce the perceived height, scale, and bulk of the building when viewed from the street. At the street level, the building facade is set back along NW Market Street to create a 75’ wide by 10’ deep plaza space outside of commercial space and a 31’ wide by 5’ deep recessed area in front of residential entry. These inviting and pedestrian oriented open spaces help enhance the pedestrian experience and provide public amenities to the neighborhood.

CS2-3 Adjacent Sites, Streets, and Open Spaces

CS2-3-a. Connection to the Street

1. Character Core (see map on page 4): Street-level facade design should create a strong connection to pedestrians.

- Emphasize identifiable entrances. Avoid storefront windows recessed more than 6” behind the building facade at street level. Use a variety of awnings and signs. Street level facades should have greater proportion of windows than solids.

- Consider responding to development standards such as lot coverage, building width, and facade modulation requirements, by connecting private open space to the street. Balance the impact to active street-level facade by wrapping commercial uses around the edges of these open spaces.

PROPOSED DESIGN:

The street-level facade design creates a strong connection to pedestrians along NW Market Street by providing a plaza outside of the commercial space and a recessed area in front of the residential entry. The facade design also provides a high percentage of transparency to animate the street and allow pedestrians to interact with the activities inside.

CS3 ARCHITECTURAL CONTEXT AND CHARACTER

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

CS3-B Local History and Culture

CS3-B-1. Placemaking: Explore the history of the site and neighborhood as a potential placemaking opportunity. Look for historical and cultural significance, using neighborhood groups and archives as resources.

CS3-B-2. Historical/Cultural References: Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

BALLARD SUPPLEMENTAL GUIDANCE

CS3-1 Fitting Old and New

CS3-1-a. Character Core (see map on page 4): New buildings should: reflect the scale and proportion, roof forms, detailing, windows, and use complementary materials of the Ballard Avenue Landmark District and older buildings along NW Market St.

CS3-1-b. Character Core and Civic Core (see map on page 4): New, large buildings should reflect the 50’ - 100’ typical lot widths as well as the spacing of floors and windows of existing projects when incorporating techniques to create compatible scale and bulk. Consider the height of adjacent building parapets and other design features when determining the height at which to begin upper-level setbacks.

CS3-1-d. Massing Choices: Strong architectural elements that define and create human scale are preferred over unorganized mix of styles and materials.

CS3-1-e. Unified Design: Design new buildings to have horizontal divisions that create distinctive base and cap levels. Integrate the upper levels into the overall building design and choice of materials.

PUBLIC LIFE

PL1 CONNECTIVITY

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

PL1-B Walkways and Connections

RESPONSE TO DESIGN GUIDELINES

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

PROPOSED DESIGN:

The middle portion of the building facade is set back at street level along NW Market Street to create a 75’wide by 10’ deep plaza space that is connected to the sidewalk. This lively and pedestrian oriented open space helps enhance the pedestrian experience and provides a public amenity to the neighborhood.

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer’s markets, kiosks and community bulletin boards, cafes, or street vending.

BALLARD SUPPLEMENTAL GUIDANCE

PL1-2. Walkways and Connections

PL1-2-a. Pedestrian Volumes: Create welcoming and spacious sidewalk environment through integrating private open space, setbacks and careful location of entrances at the Gateways (see page 11).

PL1-2-b. Pedestrian Amenities: Create lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction to the site and building. Examples of pedestrian amenities include seating, other street furniture, lighting, year-round landscaping, seasonal plantings, pedestrian scale signage, site furniture, art work, awnings, large storefront windows, and engaging retail displays and/or kiosks.

PL2 WALKABILITY

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways

PROPOSED DESIGN:

The placement of commercial spaces along NW Market Street and 26th Avenue NW, the residential lobby along NW Market Street, and workshop loft and townhome units facing NW 54th Street help create a safe environment by providing direct sight lines and natural surveillance.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

PROPOSED DESIGN:

The building design integrates overhead weather protection by providing continuous canopies along 82% of the street frontage of the building facing NW Market Street, where the building façade is next to the sidewalk, and around the northwest building corner.

PL3 STREET-LEVEL INTERACTION

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PROPOSED DESIGN:

The design of the entries for commercial spaces and residential use are coordinated among multiple elements including canopies, doors, lighting, signage, landscaping, and ground surfaces.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

BALLARD SUPPLEMENTAL GUIDANCE

PL3-2. Residential Edges

- Use strong design elements in setbacks (e.g. sitting walls, raised patios, planters, paving changes, stoops, and porches) to indicate the transition from public to private.
- Encourage clearly differentiated residential or commercial street level uses. Encourage ground-related residential uses to follow development standards.

PL3-4. Retail Edges should be porous, and include pedestrian interest and diverse storefront treatments and tenant spaces.

a. Avoid deeply recessed windows at street level.

b. Encourage variety in awnings and signs along the street-level facades of longer buildings.

c. Street level facades should have a greater proportion of transparency than solids.

d. Consider small setbacks at street-level on busy streets, or where sidewalks are narrow, to incorporate seating, displays, rain cover, and provide some relief from traffic.

e. Where multiple storefronts are provided along a building facade, incorporate features that allow for individualized identity.

f. Incorporate window walls that can open for restaurants.

g. Include commercial spaces for small, individual business establishments that average 2,000 square feet or less in size at street level. Set maximum length of street frontage for individual business consistent with area business character.

PL4 ACTIVE TRANSPORTATION

PL4-A Entry Locations and Relationships

PL4-A-1. Serving all Modes of Travel: Provide safe and convenient access points for all modes of travel.

PL4-A-2. Connections to All Modes: Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or

RESPONSE TO DESIGN GUIDELINES

built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

BALLARD SUPPLEMENTAL GUIDANCE

PL4-1. Planning Ahead for Bicyclists: Bicycle use and parking should be encouraged to promote a healthy and active neighborhood and to support local businesses. Plan for bicycle parking that provides a place to lock up close to business entries. Bicycle racks should be plentiful, and either be from the Seattle Department of Transportation’s bike parking program or be an approved rack of similar “inverted U” or “staple” style. The bicycle racks may also be an opportunity for place-making, such as having a uniform color.

PROPOSED DESIGN:

A designated bike entry is located along the Burke Gilman Trail and NW Market Street to provide convenient access for bikers. It is grouped with the residential entry with a shared canopy to create a welcoming experience as well. Bikers will be able to get to a generous bike repair and storage room without going through the residential lobby space.

DESIGN CONCEPT

DC1 PROJECT USES AND ACTIVITIES

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

DC1-C Parking and Service Uses

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

DC1-C-2. Visual Impacts: Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

DC1-C-3. Multiple Uses: Design parking areas to serve multiple uses such as children’s play space, outdoor gathering areas, sports courts, woonerf, or common space in multifamily projects.

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

BALLARD SUPPLEMENTAL GUIDANCE

DC1-1. Vehicular Access and Circulation

DC1-1-a. Access Location and Design: Combine and consolidate service areas with parking access, where parking is provided.

DC1-2. Shared Parking: Where parking is provided, design access so that it can accommodate visitors, tenants, and the potential for shared or leased parking.

DC2 ARCHITECTURAL CONCEPT

DC2-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Façade Composition

DC2-B-1. Façade Composition: Design all building façades—including alleys and visible roofs— considering the composition and architectural expression of the building as a whole. Ensure that all façades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage façades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to façades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose— adding depth, texture, and scale as well as serving other project functions.

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building façades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

DC2-E Form and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and

uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

PROPOSED DESIGN:

The residential entry opens onto the sidewalk with a 5’ recess lined with wood panels to give distinction and provide a welcoming experience for residents. Three commercial space entries are clearly defined with a collection of coordinated elements including overhead canopies, signage, lighting, landscaping, and ground surfaces.

BALLARD SUPPLEMENTAL GUIDANCE

DC2-1. Massing

a. Reducing Perceived Mass: In the Character Core (see map on page 4), the massing of new buildings should reflect the dominant 50 to 100-foot parcel width that was common in areas platted up to 1930. This can be achieved by either limiting building lengths or by creating distinct designs or material changes, or vertical modulations, that break up façades into this scale.

DC2-2. Architectural and Façade Composition

a. Provide continuity of rhythm of vertical and horizontal elements (such as window size and spacing and location of entrances) along a block. Maximize the visibility of corner locations by placing entrances and strong design features on corners.

b. Design buildings to have horizontal divisions that create strong base levels (preferably two stories) that are not overpowered by the upper-level massing. Where the street level façade is set back to provide additional space at the ground level, ensure that the overhang is at least 13-15 feet above the sidewalk.

DC2-3. Scale and Texture

a. Texture

- At the street level, incorporate a variety of textures such as blade signs, uneven brick, gooseneck lights, and windows that add texture and scale that is perceptible at a walking pace.

- Create well-detailed and highly-visible storefronts. Provide opportunities for window displays. Generally, avoid small, deeply inset street-level storefront windows.

- Consider small recesses for doorways

DC2-4. Form and Function

a. Legibility and Flexibility: In addition to responding to the design of surrounding buildings, new projects should continue Ballard’s legacy of historic buildings by integrating form, function, and materials to meet today’s needs.

1. Clearly differentiate residential from commercial street-level uses.
2. Discourage departures from ground-related residential development standards.
3. Create a strong building base design presence so that the street-level is not overwhelmed by the middle and top of the building.
4. Include smaller, more “naturally affordable” retail spaces to maintain a diversity in services and stores, and to fit with the historic predominance of smaller commercial spaces.

PROPOSED DESIGN:

The commercial space is designed to be flexible with three accessible at-grade entrances while meeting various commercial needs. The space can be divided into areas between 500 sf and 1,000 sf each to provide small, neighborhood scale, and naturally affordable commercial space.

RESPONSE TO DESIGN GUIDELINES

DC3 OPEN SPACE CONCEPT

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-1. Meeting User Needs: Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

DC3-C-2. Amenities/Features: Create attractive outdoor spaces suited to the uses envisioned for the project.

BALLARD SUPPLEMENTAL GUIDANCE

DC3-1. Building-Open Space Relationship

a. Interior/Exterior Fit: Consider wrapping commercial uses around corners into any courtyards to create a gradual transition from public to private open space areas.

DC3-2. Open Space Uses and Activities

a. Meeting User Needs: Outside of pedestrian zones, large mixed-use and multifamily developments should incorporate ground-level open space when designing the massing.

1. Include windows, entries, balconies, and design elements of adjacent building facades that help activate the open space.
2. When possible, connect interior building common areas to the outdoor areas.
3. When a project incorporates restaurants or pubs, the design should include café seating along sidewalks and/or courtyards.
4. Create gradual transitions from street-level to any raised open areas by using wide steps with integrated landscaping and other welcoming elements.
5. Include green stormwater infrastructure where feasible.

DC4 EXTERIOR ELEMENTS AND FINISHES

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle’s climate, taking special care to detail corners, edges, and

transitions.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

PROPOSED DESIGN:

Lighting has been designed to accomplish the objectives of DC4-C-1 & DC4-C-2.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

BALLARD SUPPLEMENTAL GUIDANCE

DC4-1. Building Materials

DC4-1-a. Exterior Finish Materials:

1. The structure’s form and materials should respond to each other and changes in material should accompany a change in form or plane. Randomly changing materials within the same plane to reduce perceived bulk is discouraged.
2. Select materials that convey permanence:
 - On building cladding and details, avoid thin materials that buckle or warp.
 - Materials that require no or minimal maintenance are encouraged on larger buildings. Examples include: brick, steel, and fiber cement panel products with integral color.
 - Commercial development should incorporate materials that stand up to intensive public use.
 - Window openings should incorporate lintels and sills on a scale that is appropriate to the size of the building.
3. Avoid using a high variety of materials in an attempt to reduce bulk. Brick and stone masonry are preferred. Metal and other industrial finishes can be used to

complement traditional materials or create interesting contrast.

4. Residential buildings should incorporate operable windows, and fine-scaled detailing without relying on single-family residential materials such as vinyl clapboards and shingles.

5. Use new technology and energy-saving techniques, quality materials, and designs that allow long-term flexibility of uses in a manner that expresses an integration of form, function and materials to create buildings that age gracefully

6. New buildings in the Character Core and Civic Core (see map on page 4) should reflect the larger scale and significant investment found there.

a) Traditional materials like brick and stone are preferred for the Character Core (see map on page 4).

c) Projects should reinforce the historic character with use of high quality materials and a selective color palette.

d) The detailing and texture of materials used at street-level in the Character Core and Civic Core (see map on page 4) should reflect the pedestrian scale.

PROPOSED DESIGN:

The building design reinforces the historic character within the Character Core area with use of brick as a traditional and high quality exterior material. A dark gray brick will be the primary exterior material accented with wood infill panels and soffits. The brick will have a range of tones and texture to give a very tactile appeal - not seen in Ballard since the early historic buildings.

DC4-2. Signage

DC4-2-a. Scale and Character: In addition to all requirements found in the Sign Code, the following guidelines also apply:

1. Indirectly lit signs are preferred. Internally illuminated signs are generally not appropriate within the neighborhood design guideline boundary (Ballard Urban Village) except on 15th Ave NW and 24th Ave NW. Where backlit signs are used, they should be integrated into the building architecture.
2. Awnings, especially if backlit, should not be the primary signage.
3. Shingle signs, signage integrated into the transom or cornices, and applied to display windows are preferred for the Character Core and Civic Core (see map on page 4).
4. Consider complex shapes rather than simple rectangles, circles or squares where they complement the architectural expression of the building and/or neighborhood.
- b. Coordination with Project Design: Size and locate signs to complement the architectural scale of the façade, and to not obscure or bridge horizontal and vertical elements such as cornices, transoms, or beltlines.

PROPOSED DESIGN:

Individual commercial tenant signs are integrated into the canopy design and will have a consistency in scale and type with the ability for each tenant to express their identity and promote their unique business adding vitality and vigor to the public realm.

DEVELOPMENT DEPARTURE #1 - SUMMARY



Summary Departure Request #1

To allow parking access off of 54th Street in accordance with recommendations from community stakeholders and the design review board.

Code Citation:
23.47A.032.A.1.C

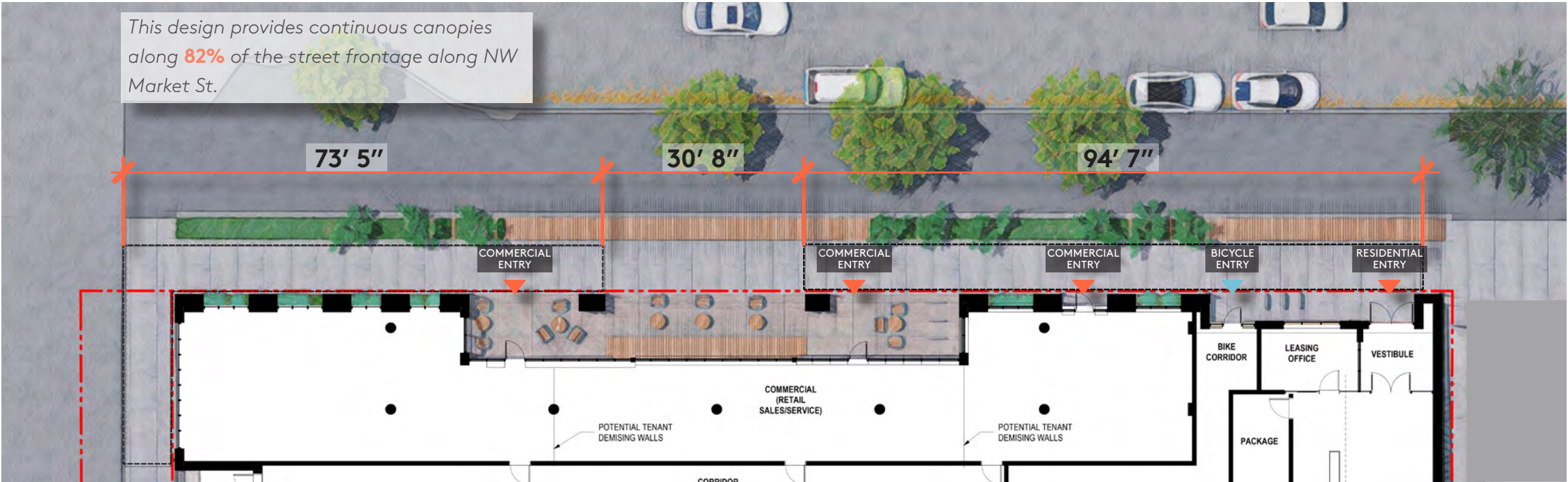
Code Requirement:
If access is not provided from an alley and the lot abuts two or more streets, access is permitted across one of the side street lot lines pursuant to subsection 23.47A.032C, and curb cuts are permitted pursuant to subsection 23.54.030.F.2A.1.



Proposed Design Departure:
Parking access is proposed across the NW 54th Street lot line.

- Rationale
- SDOT SIP supports access from NW 54th Street in coordination with lot dedication along 26th Avenue NW which buffers pedestrians from turning trucks.
 - The Design Review Board supported the placement of the parking entrance on NW 54th Street to coincide with the parking entrance of the adjacent Ballard Yards and to minimize disruption of other streets with parking access.
 - Community stakeholders support parking off of NW 54th Street.

DEVELOPMENT DEPARTURE #2 - SUMMARY



Composite Site Plan



North Elevation

Summary Departure Request #2

Allow two continuous stretches of canopies with one gap to meet the requirement of overhead weather protection on at least 60% of the street frontage.

Code Citation:
23.47A.008C4

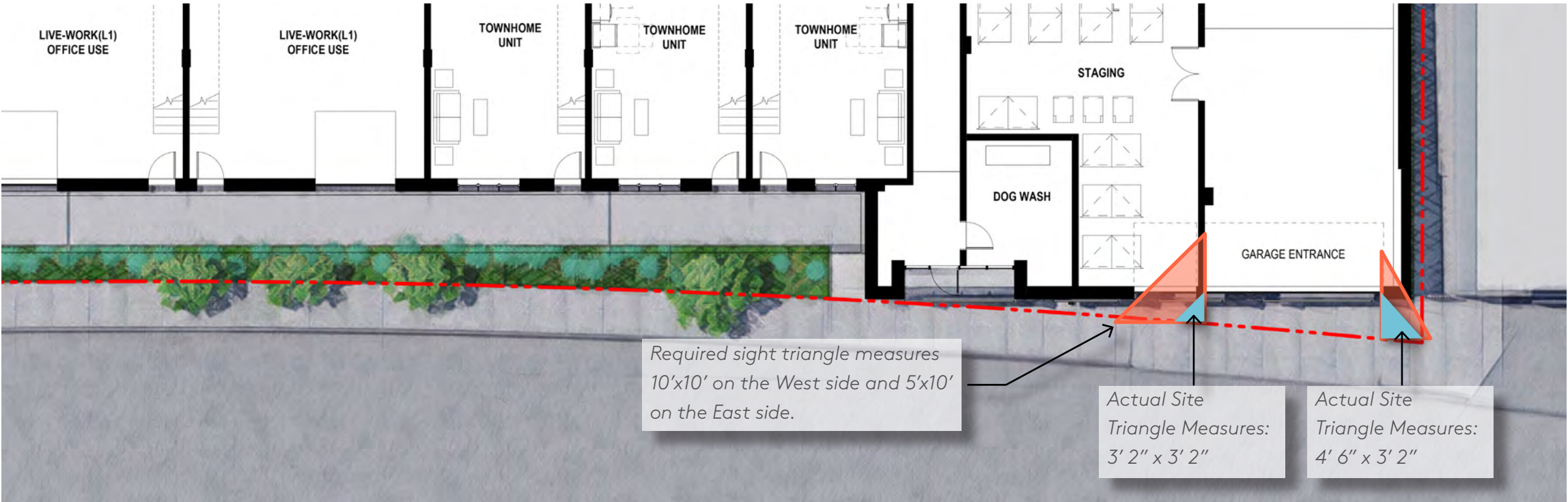
Code Requirement:
Continuous overhead weather protection (i.e., canopies, awnings, marquees, and arcades) is required along at least 60 percent of the street frontage of a structure on a principal pedestrian street.

Proposed Design Departure:
Allow 1 gap in the continuous overhead weather protection along the NW Market St. frontage. (Continuous canopies proposed along 82% of the street frontage)

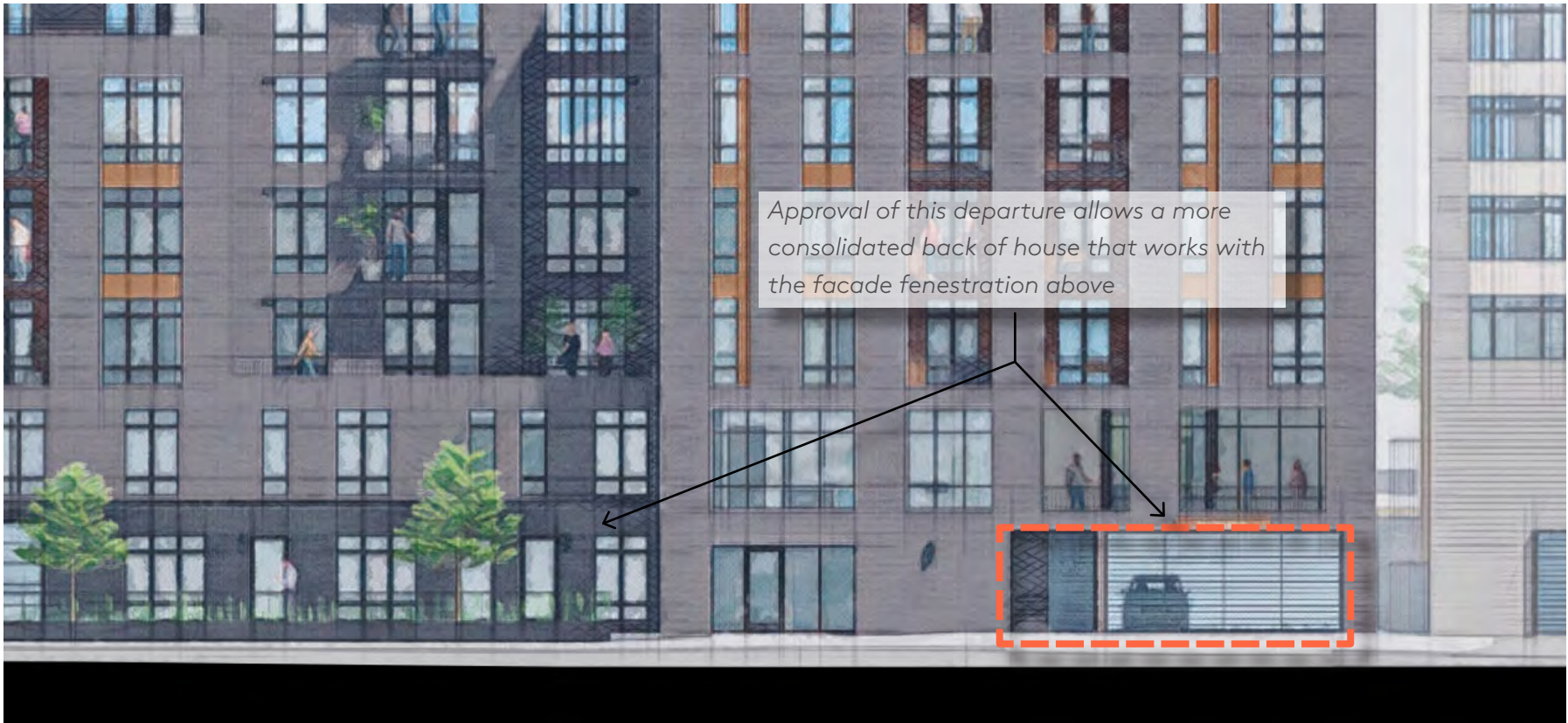
Rationale
By allowing this departure:

1. The project is able to provide a recessed plaza where the facade sets back from the sidewalk by 10'. This gap would support the plaza space which is designed to connect to the sidewalk as a welcoming public amenity.

DEVELOPMENT DEPARTURE #3 - SUMMARY



Composite Site Plan



South Elevation

Summary Departure Request #3

Reduce the required sight triangle of the garage entrance from 10'x10' and 10'x5' to 3' 2" x 3' 2" and 4' 6" x 3' 2".

Code Citation:
23.54.030G

Code Requirement:
For two-way driveways and easements less than 22 feet wide, a sight triangle on both sides of the driveway or easement shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no sidewalk.

When the driveway or easement is less than 10 feet from the lot line the driveway or easement may begin 5 feet from the lot line

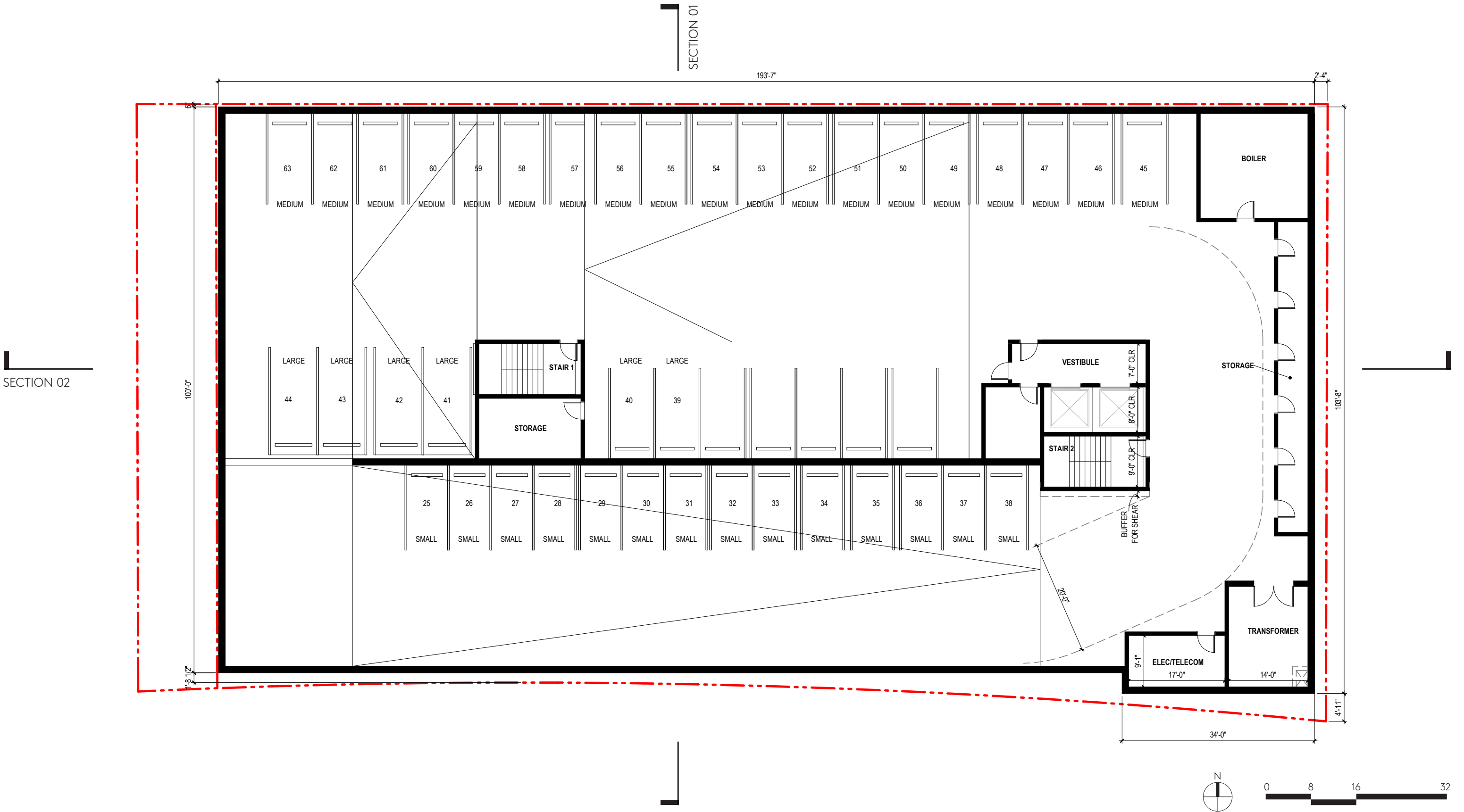


Proposed Design Departure:
To provide a sight triangle on the West side of the garage of 3' 2" x 3' 2" and a sight triangle on the East side of the garage of 4' 6" x 3' 2".

Rationale
By allowing this departure:

- The project is able to better consolidate back of house uses along 54th St. away from public view and further from the residential townhouses to the West.

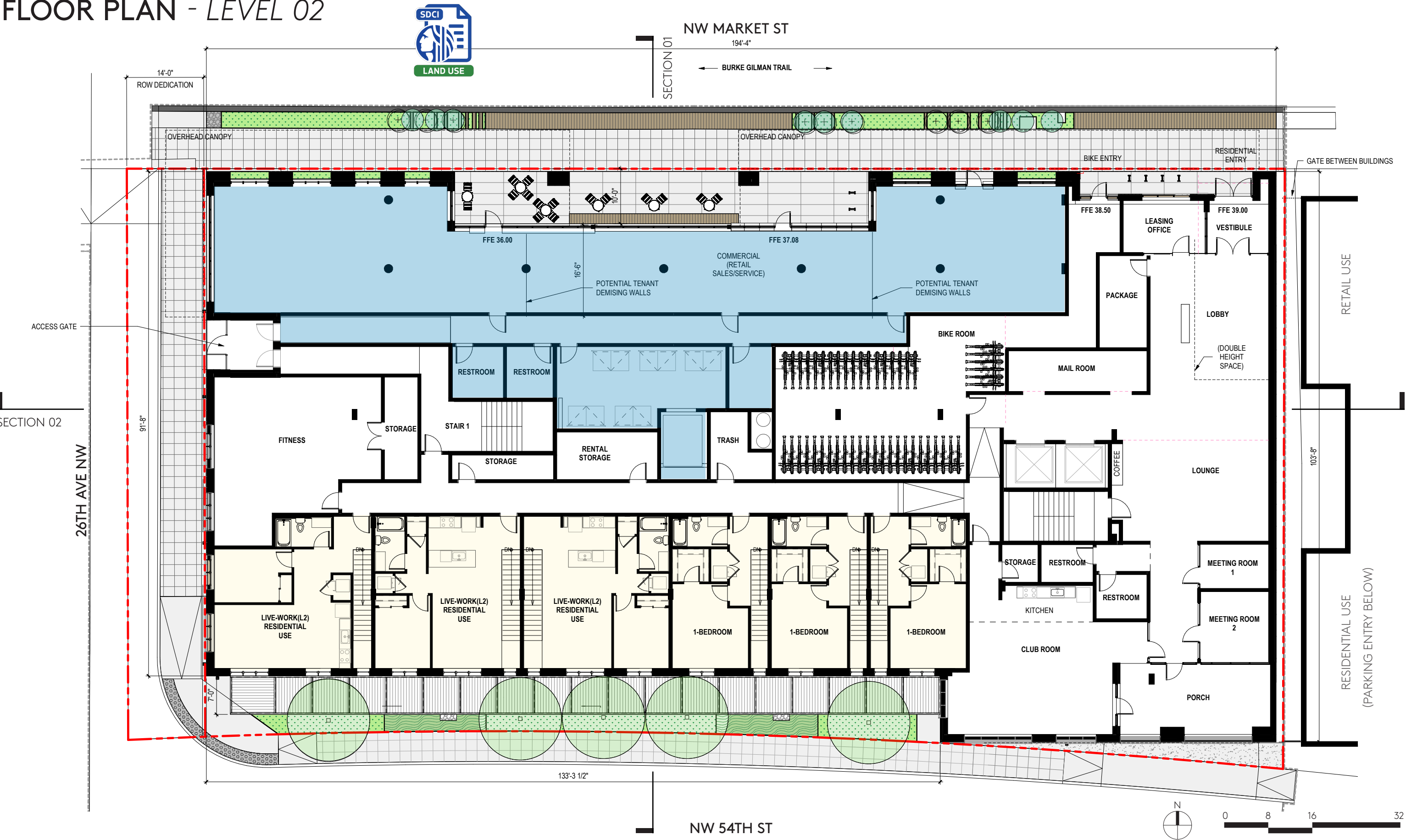
FLOOR PLAN - LEVEL P2



FLOOR PLAN - LEVEL 01



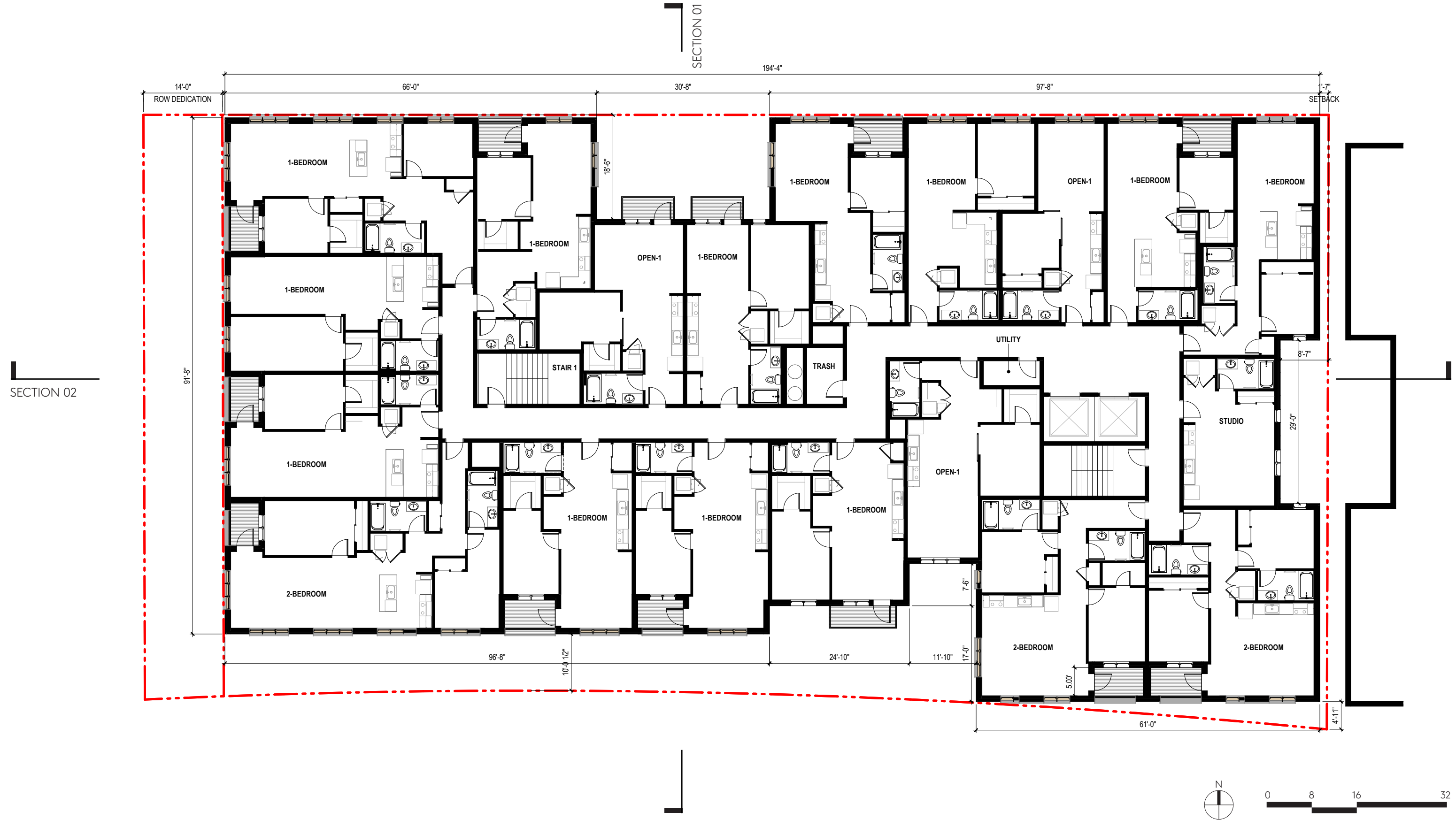
FLOOR PLAN - LEVEL 02



FLOOR PLAN - LEVEL 03



FLOOR PLAN - LEVELS 04-05



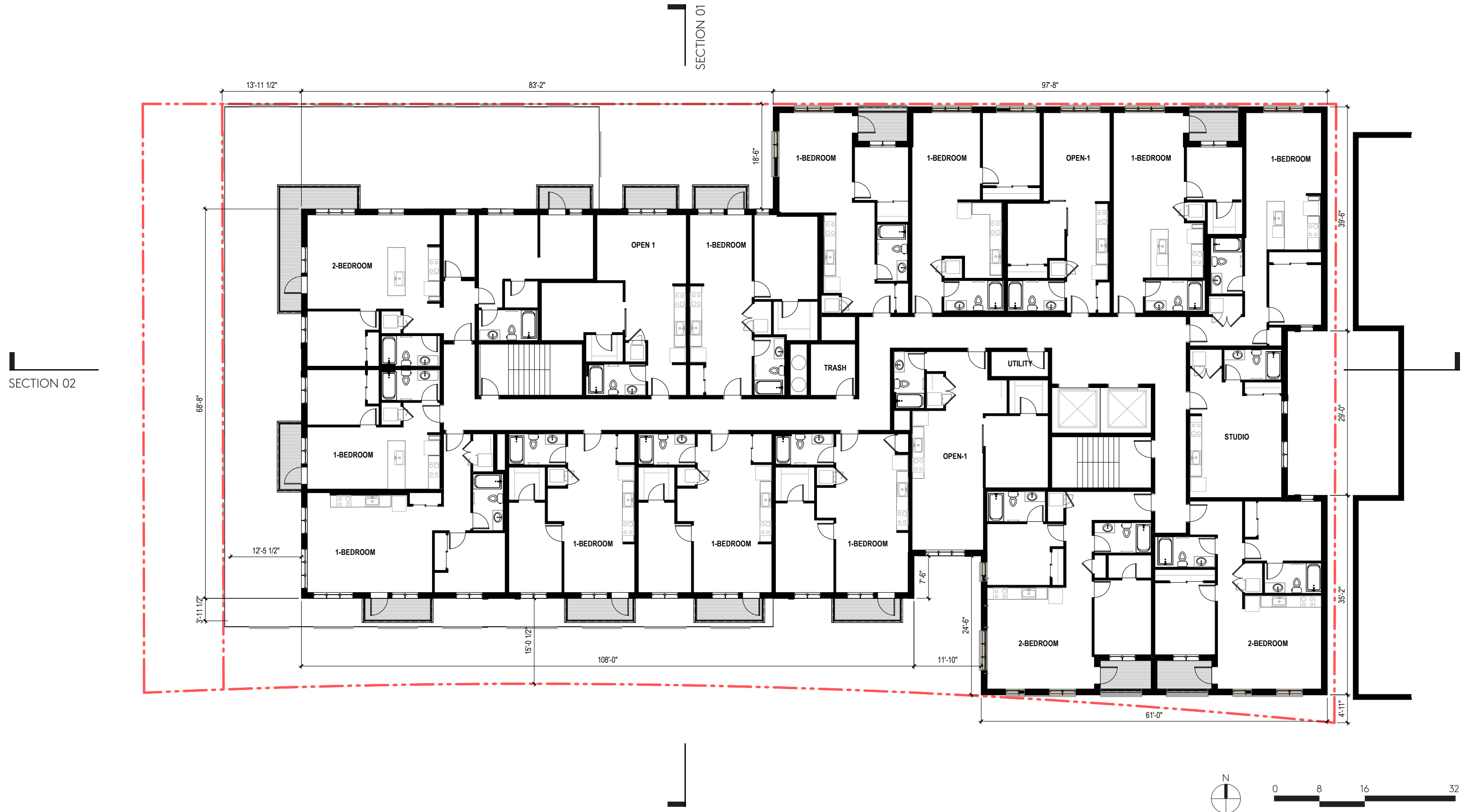
FLOOR PLAN - LEVEL 06

SECTION 01

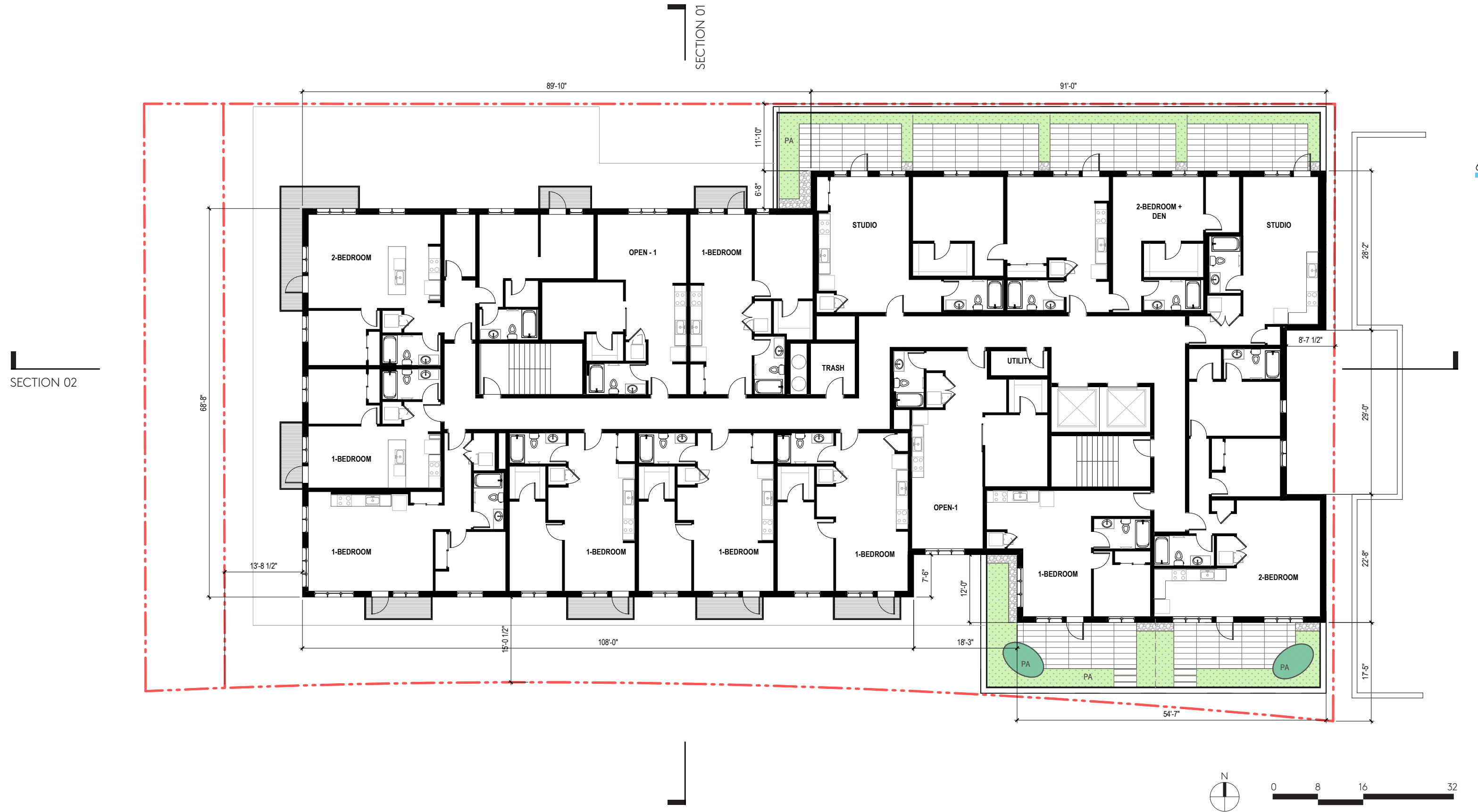
SECTION 02



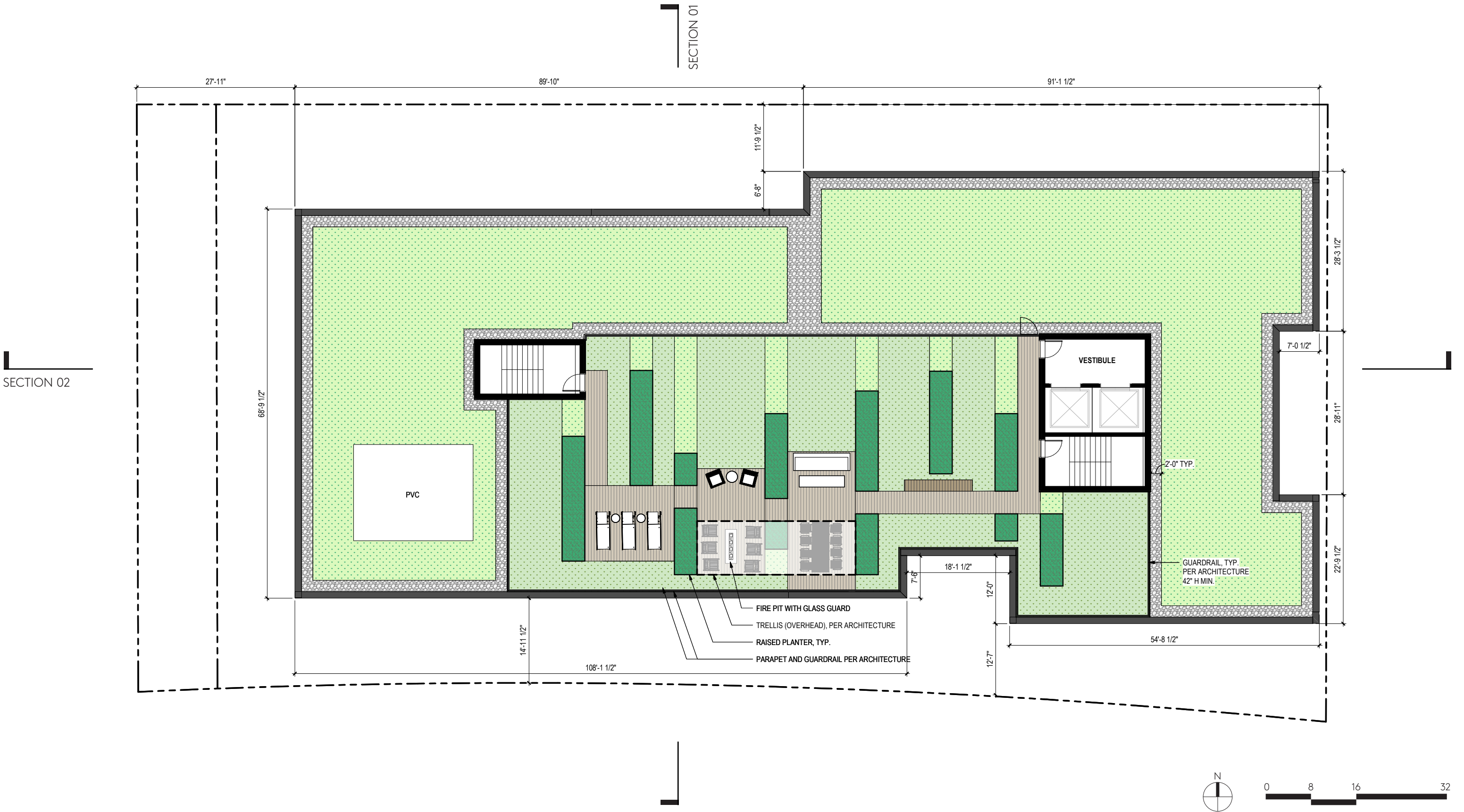
FLOOR PLAN - LEVEL 07



FLOOR PLAN - LEVEL 08



ROOF PLAN



PERSPECTIVES - ROOF DECK



ELEVATIONS - EAST

- 1 - Cast in Place Concrete

2 - Mutual Materials Brick, Running Bond (Coal Creek)

3 - Pre-Finished Metal Coping (SW Iron Ore)

4 - Metal Canopy Assembly, Painted, with C-Channel frame (SW Tricorn Black)

5 - Pre-Finished Metal Balcony, Typ.(Black)

6 - Hardi Panel Siding (SW Iron Ore)

7 - Composite Wood Panel, Prodema (Rustik Matt)

8 - Aluminum Storefront System, with Clear Glazing, Pre-Finished (Anodized Black)

9 - Aluminum Storefront System, with Clear Glazing, Pre-
- Finished (Custom Color, Painted to Match Prodema)

10 - VPI Balcony Door System with Clear Glazing (Integral Color Black)

11 - VPI Vinyl Window System with Clear Glazing (Integral Color Black)

12 - Sheet Metal Vent (Painted, SW Iron Ore)

13 - Sheet Metal Vent (Painted, SW Rustic Red)

14 - Sheet Metal Shroud (Painted), at Windows (SW Iron Ore)

15 - Metal Handrail, Pre-Finished (Black)

16 - Sconce Light (Black)

17 - 'Wave Bench', See Landscape Drawings
- 18 - Pre-Finished Steel Column (Black)

19 - Overhead Coiling Door with Clear Glazing (Black)

20 - Perforated Metal Art Screen (Color TBD)



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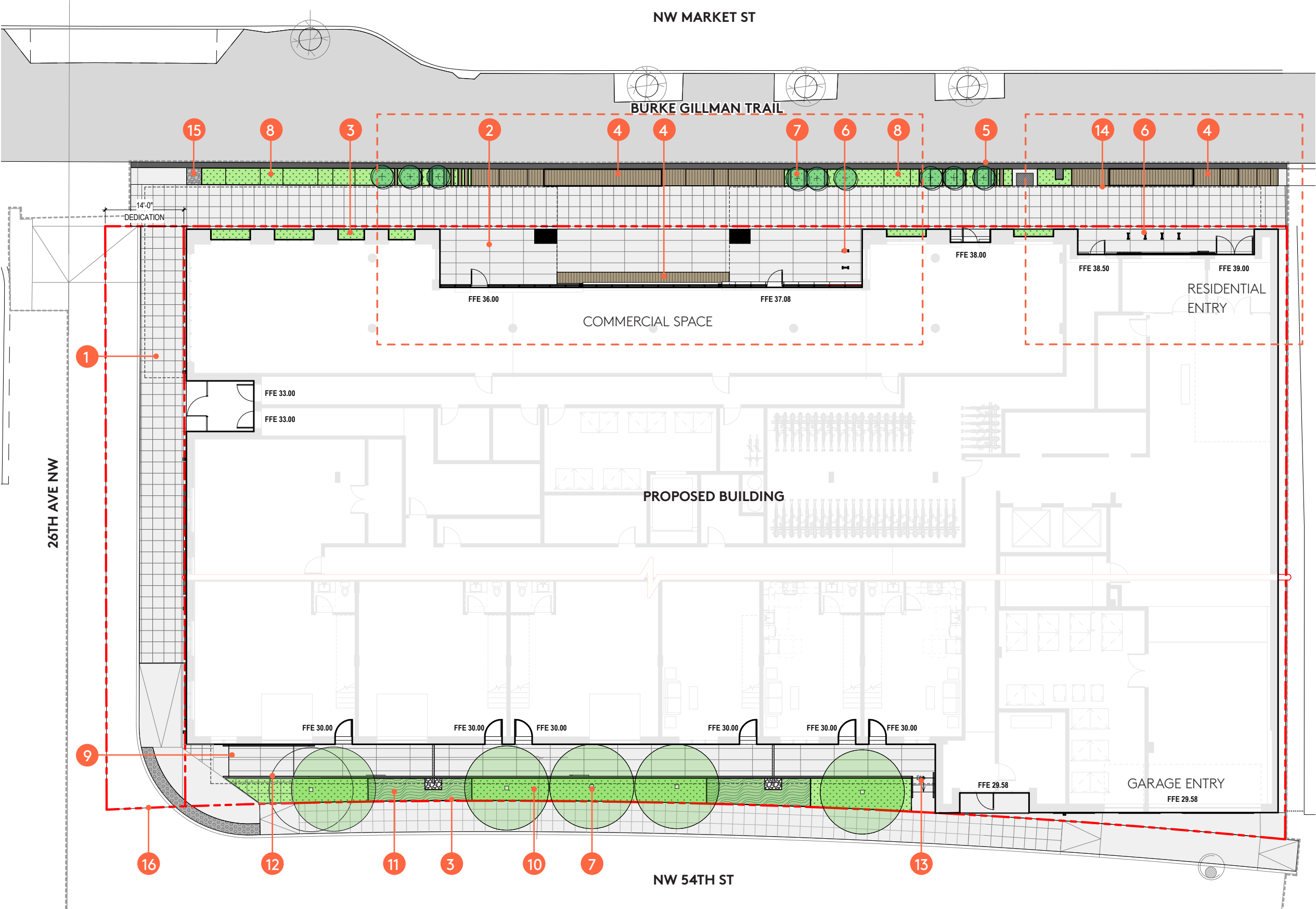
SECTION 01 - LOOKING WEST



SECTION 02 - LOOKING NORTH



SITE MATERIALS PLAN - STREET LEVEL

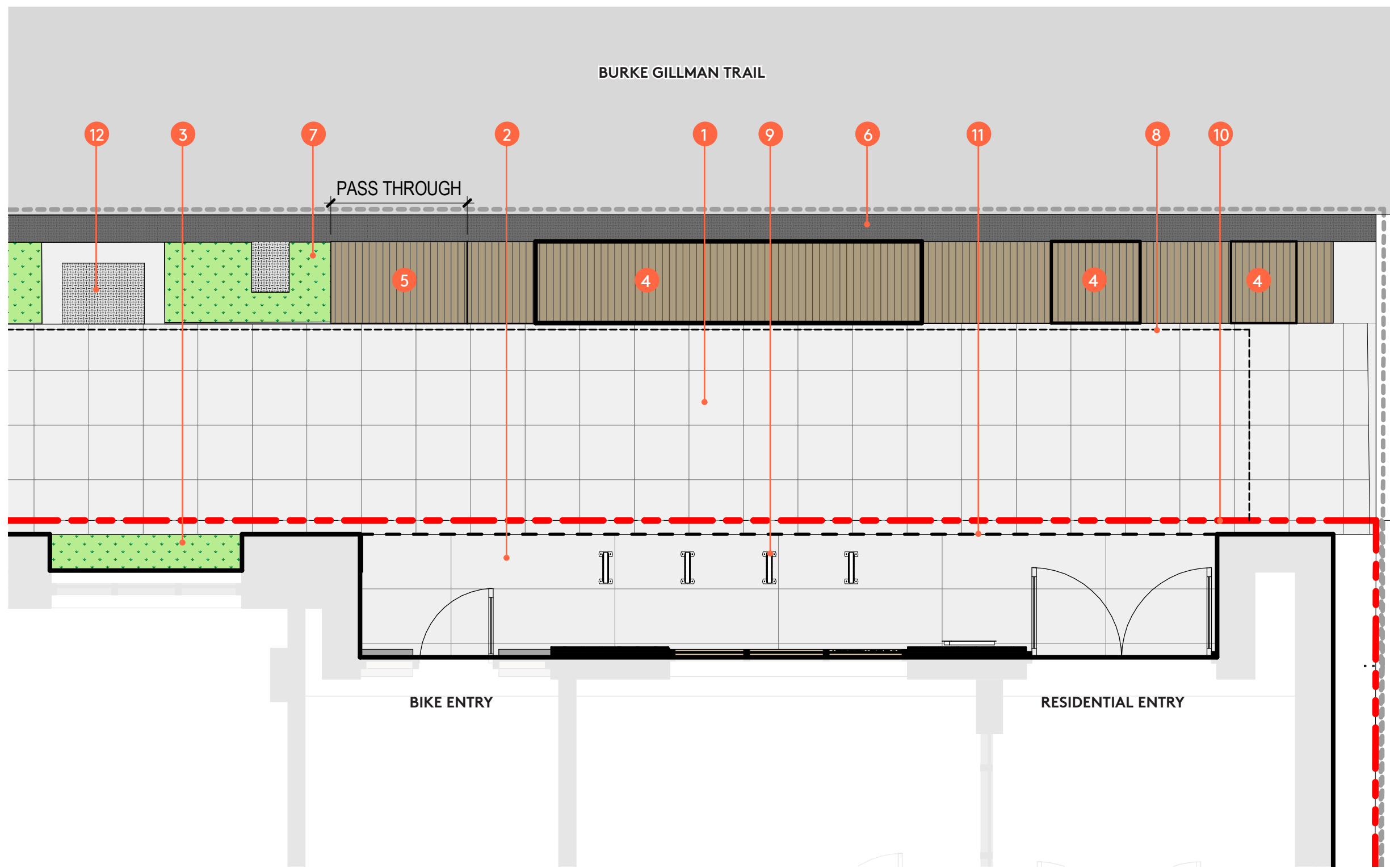


LEGEND

- 1. SDOT STANDARD CONCRETE PAVING
- 2. ENHANCED FINISH CONCRETE PAVING
- 3. RAISED STEEL PLANTER
- 4. WAVE BENCH
- 5. TRUNCATED DOME PAVERS
- 6. BIKE RACKS, (6) TOTAL
- 7. PROPOSED TREE, TYP.
- 8. WAVE PLANTING AREA
- 9. RAMP
- 10. PLANTING AREA, TYP.
- 11. BIORETENTION AREA, TYP.
- 12. HANDRAIL ON BOTH SIDES
- 13. CIP CONCRETE STAIR, (2) STEPS WITH HANDRAILS
- 14. CANOPY ABOVE, TYP.
- 15. GRAVEL

SEE PAGE 68 AND 69 FOR ENLARGEMENT PLANS

SITE MATERIALS PLAN - STREET LEVEL RESIDENTIAL ENTRY

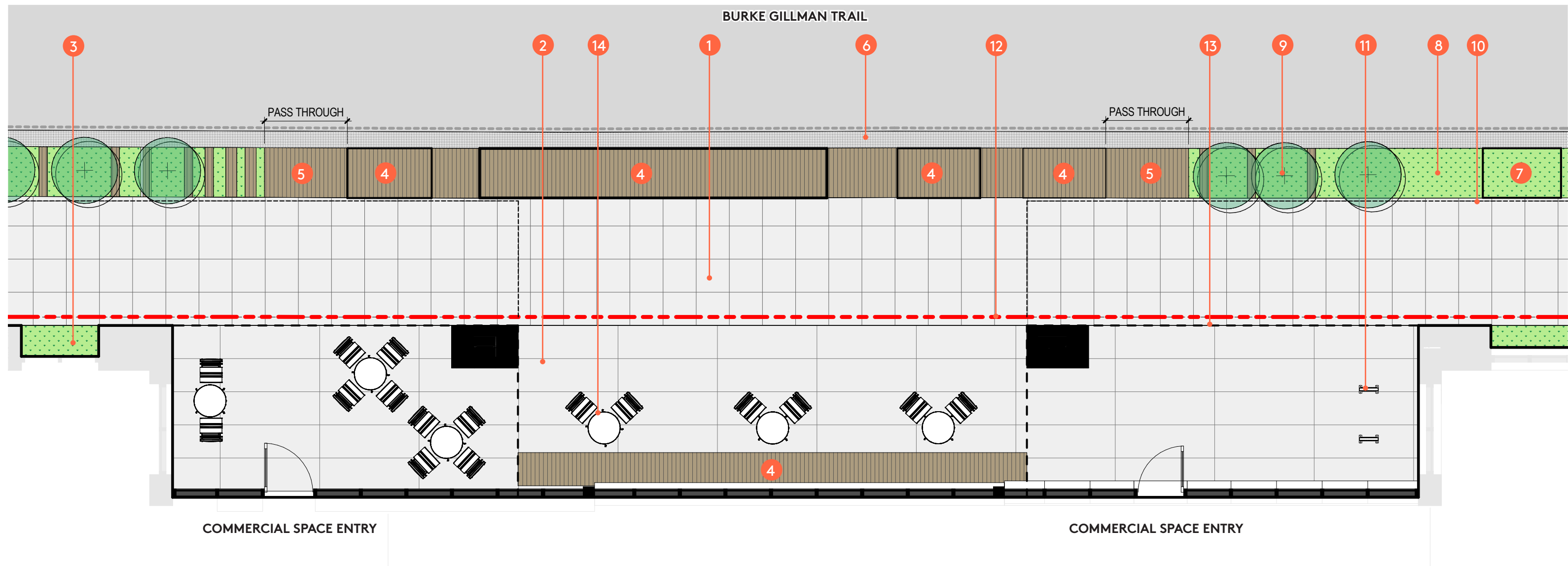


- LEGEND**
- 1. SDOT STANDARD CONCRETE PAVING
 - 2. ENHANCED FINISH CONCRETE PAVING
 - 3. RAISED STEEL PLANTER
 - 4. WAVE BENCH RAISED (SEATING/MOUNDED)
 - 5. WAVE BENCH RECESSED (WALKING SURFACE)
 - 6. TRUNCATED DOME PAVERS
 - 7. PLANTING AREA, TYP.
 - 8. CANOPY ABOVE, TYP.
 - 9. BIKE RACK, TYP.
 - 10. PROPERTY LINE
 - 11. BUILDING ABOVE, TYP.
 - 12. UTILITIES PER CIVIL

SITE MATERIALS PLAN - SIDEWALK PLAZA

LEGEND

1. SDOT STANDARD CONCRETE PAVING
2. ENHANCED FINISH CONCRETE PAVING
3. RAISED STEEL PLANTER
4. WAVE BENCH RAISED (SEATING/MOUNDED)
5. WAVE BENCH RECESSED (WALKING SURFACE)
6. TRUNCATED DOME PAVERS
7. MOUNDED PLANTING AREA, TYP.
8. AT GRADE PLANTING AREA, TYP.
9. PROPOSED TREE, TYP.
10. CANOPY ABOVE, TYP.
11. BIKE RACK, TYP.
12. PROPERTY LINE
13. BUILDING ABOVE, TYP.
14. MOVABLE SITE FURNITURE, TYP.



SITE MATERIALS PALETTE - STREET LEVEL

PAVING



1: SDOT Standard Concrete
2'X2' scoring and sawcut joint



2: CIP Concrete Paving
Banded aggregate finishes, scoring per plan



5: Truncated Dome Paver
Concrete



15: Gravel
Basalt

PLANTERS AND BENCHES



3: Metal Raised Planters
Powdercoat dark gray



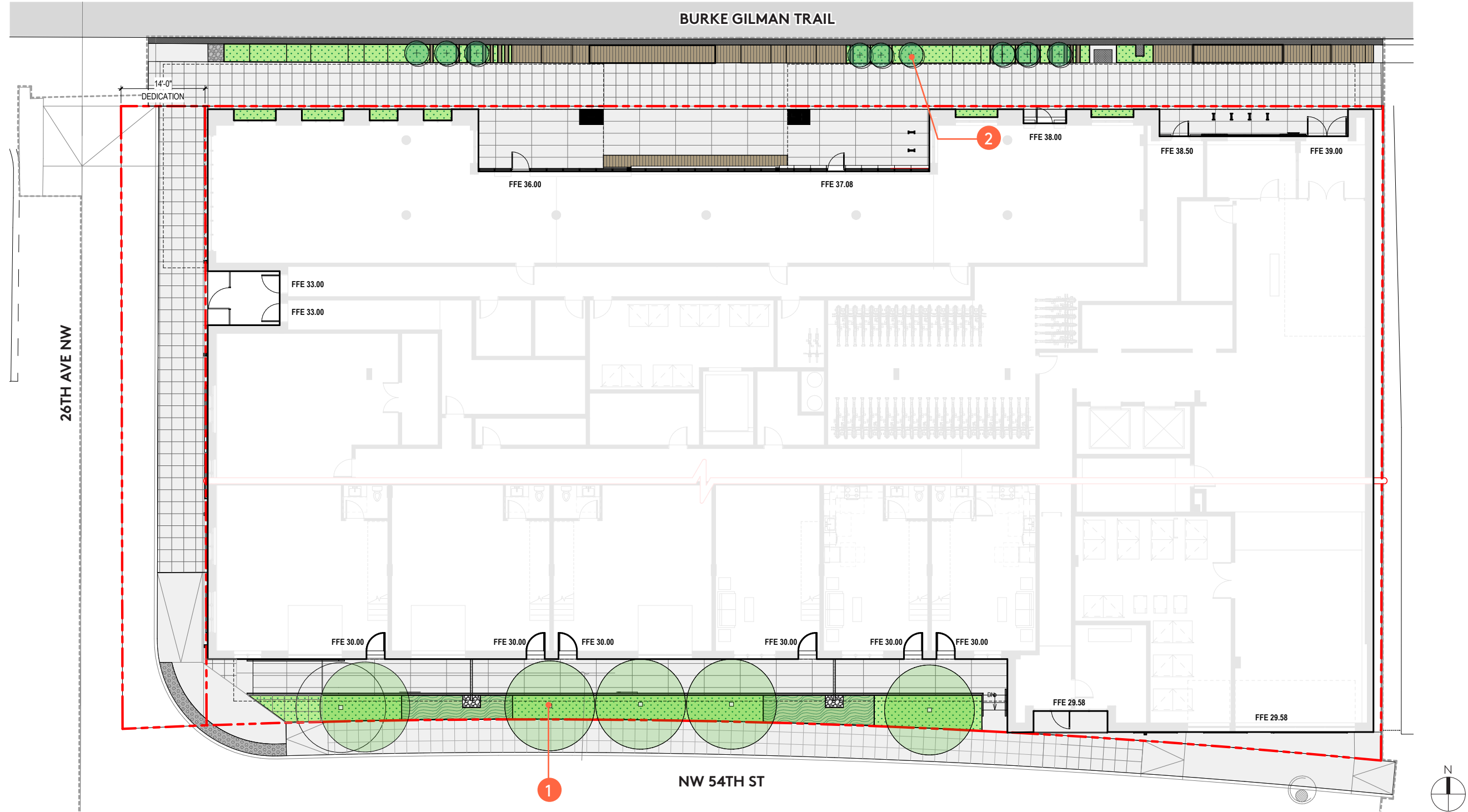
4: Wave Wood Bench
Custom bench with appearance of wave

FEATURES AND FURNISHINGS



6: Bike Rack
Westport No Scratch® Bike Rack by Sportworks

SITE PLANTING PLAN - STREET LEVEL



LEGEND:

ROW- MARKET STREET:
Wintergreen | Gaultheria procumbens
Creeping Bramble | Rubus calycinoides
Big Blue Lilyturf | Liriope muscari
Trailing Verbena | Verbena x hybrida

ROW- 54TH STREET:
Big Blue Lilyturf | Liriope muscari
Tufted Hair Grass | Deschampsia cespitosa

STORMWATER:
Slough Sedge | Carex obnupta
Red-Osier Dogwood | Cornus sericea 'Kelseyii'
Tufted Hair Grass | Deschampsia cespitosa
Snowberry | Symphoricarpos albus
Soft Rush | Juncus effusus

TREE SYMBOLS:
1. American Hornbeam | Carpinus caroliniana
2. Vine Maple | Acer circinatum
- - - - - PROPERTY LINE

PLANT PALETTE - STREET LEVEL

STORMWATER



Red-Osier Dogwood | *Cornus sericea ‘Kelseyii’*
2 gallon



Snowberry | *Symphoricarpos albus*
2 gallon



Grass, Sedge & Rush Mix: 1 gallon
L to R: *Deschampsia cespitosa*, *Carex obnupta* & *Juncus effusus*



RIGHT OF WAY: MARKET ST



Wintergreen | *Gaultheria procumbens*
1 gallon



Creeping Bramble | *Rubus calycinoides*
1 gallon



Big Blue Lilyturf | *Liriope muscari*
1 gallon

RIGHT OF WAY: NW 54TH ST



Beesia | *Beesia deltophylla*
1 gallon



Slough Sedge | *Carex obnupta*
1 gallon



Salal | *Gaultheria shallon*
1 gallon



Western Sword Fern | *Polystichum munitum*
1 gallon

STREET TREES:

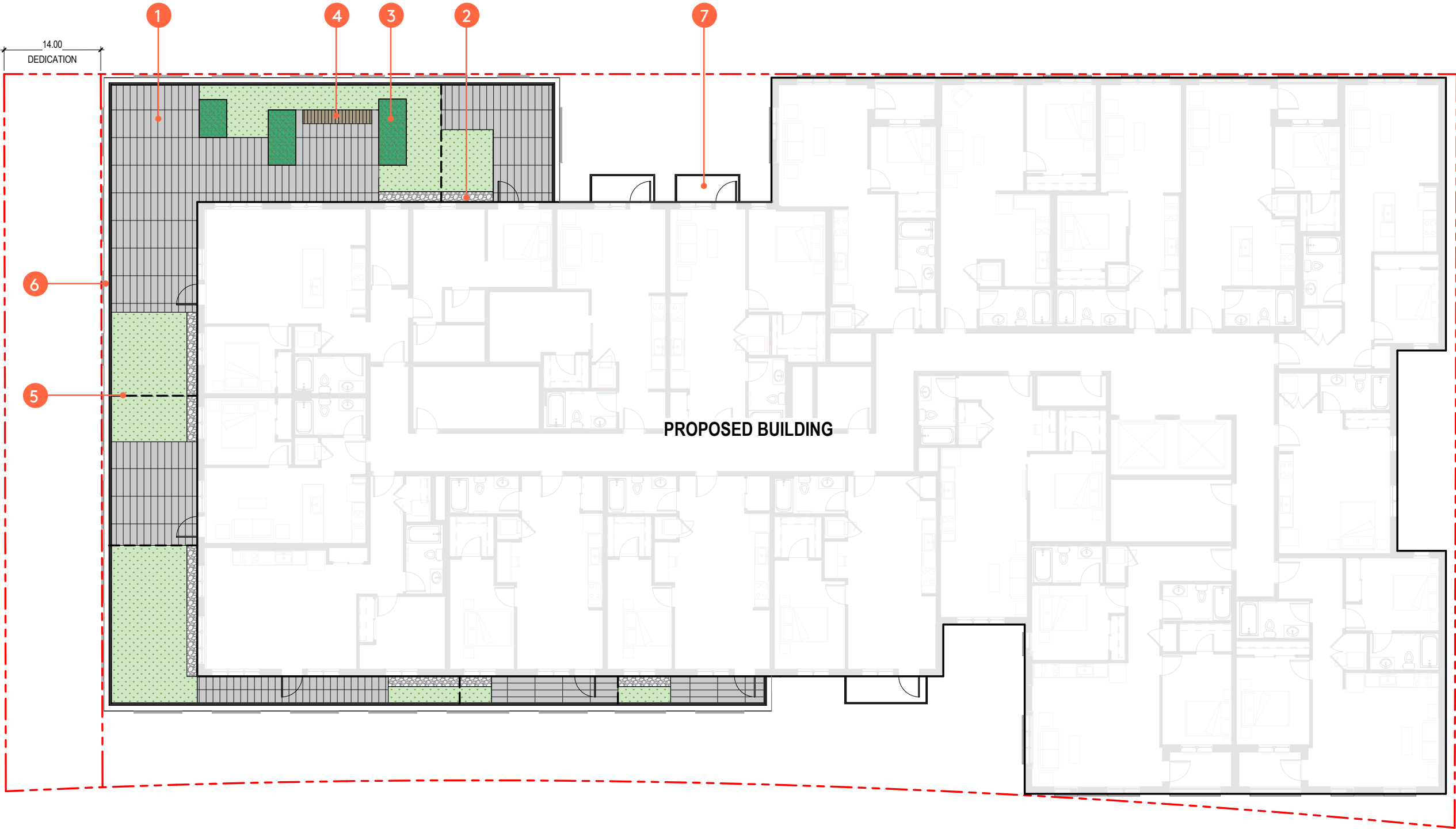


American Hornbeam | *Carpinus caroliniana*
3" cal.



Vine Maple | *Acer circinatum*
3" cal.

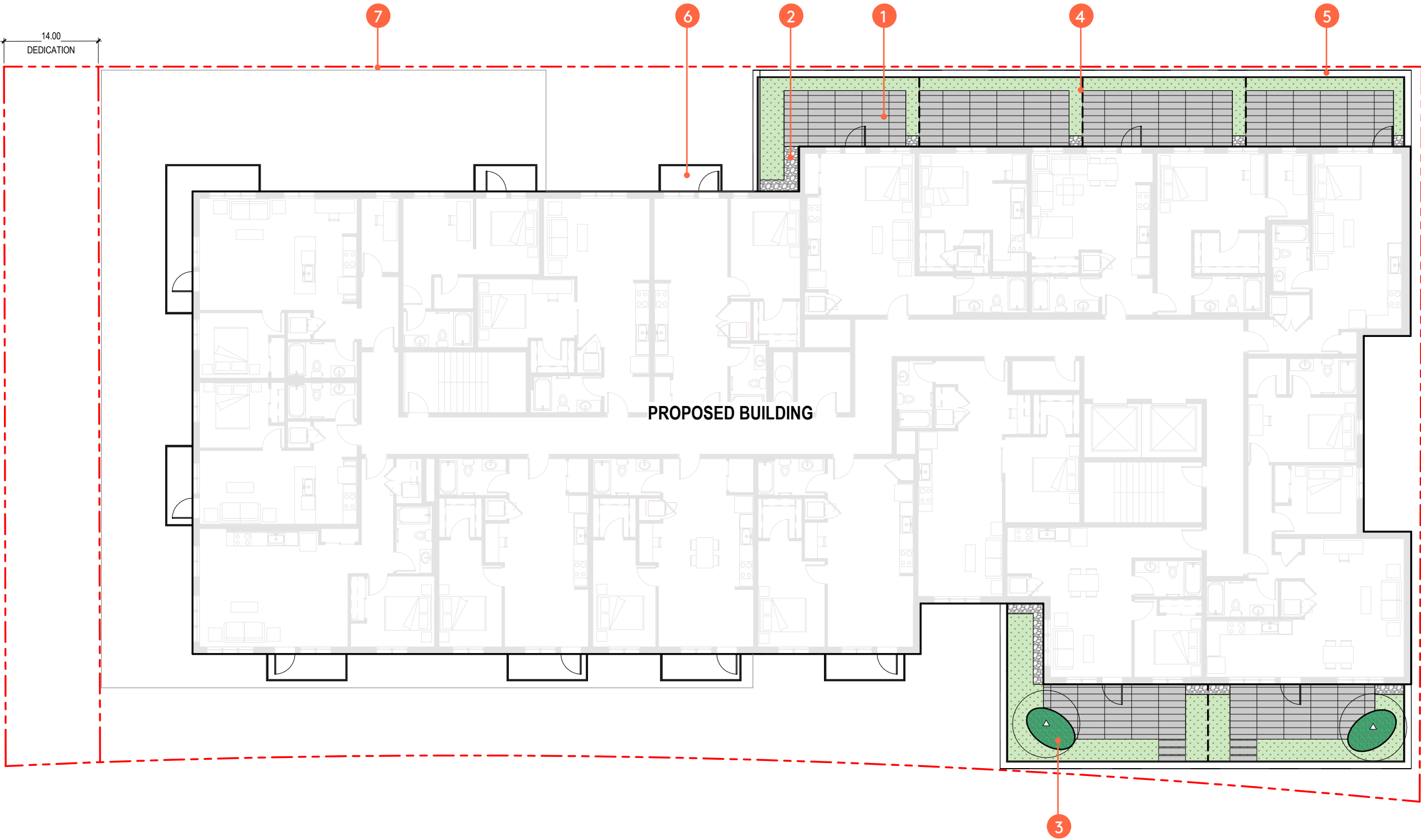
SITE MATERIALS AND PLANTING PLAN - LEVEL 06 TERRACE



- LEGEND**
- 1. CONCRETE UNIT PAVERS ON PEDESTALS
 - 2. GRAVEL BAND
 - 3. RAISED STEEL PLANTER
 - 4. WOODEN BENCH
 - 5. SECURITY SCREEN
 - 6. PARAPET WITH GUARDRAIL, TYP.
 - 7. BALCONY PER ARCH, TYP.

- PLANTING LEGEND**
- 6" EXTENSIVE GREEN ROOF
 - 24" INTENSIVE GREEN ROOF

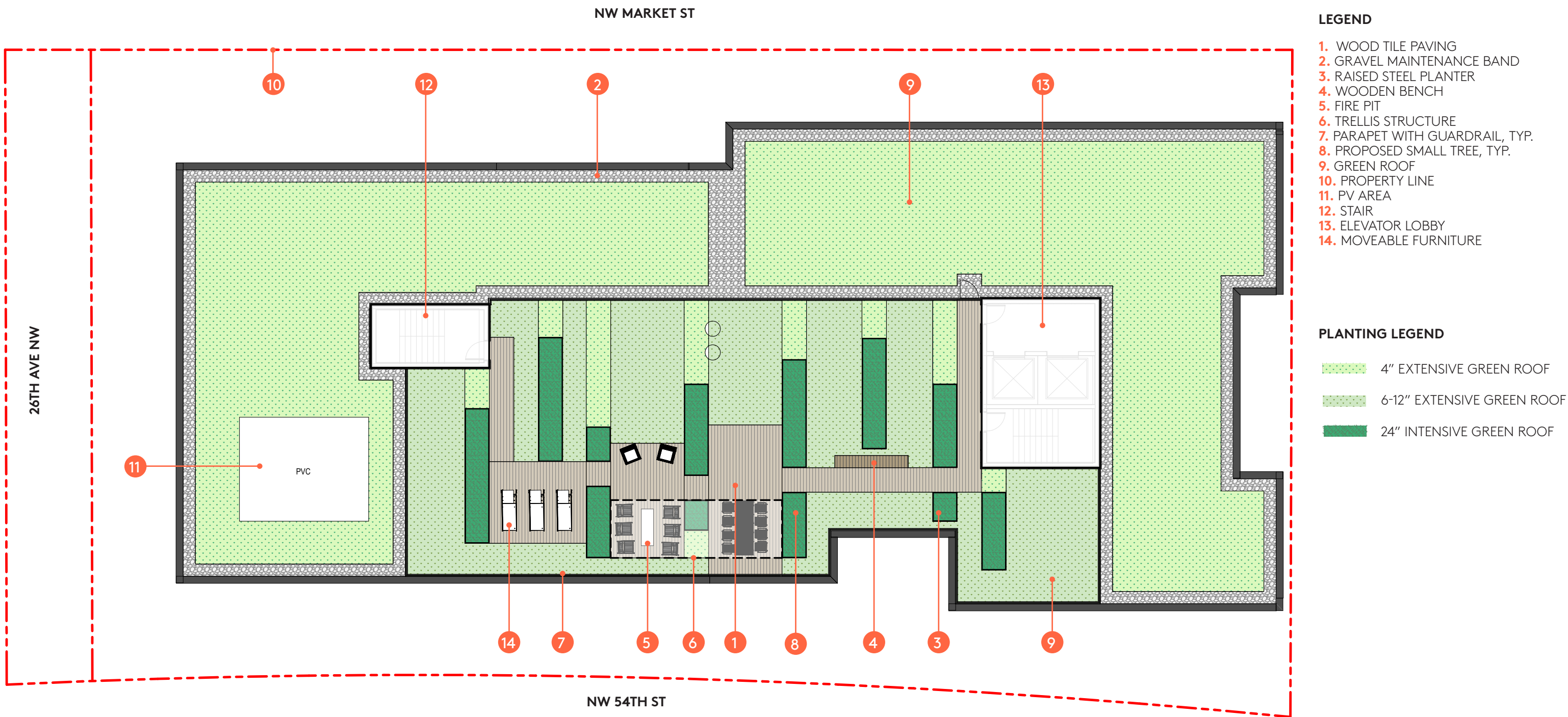
SITE MATERIALS AND PLANTING PLAN - LEVEL 08 TERRACES



- LEGEND**
- 1. CONCRETE UNIT PAVERS ON PEDESTALS
 - 2. GRAVEL BAND
 - 3. RAISED STEEL PLANTER
 - 4. SECURITY SCREEN
 - 5. PARAPET WITH GUARDRAIL, TYP.
 - 6. BALCONY PER ARCH, TYP.
 - 7. BUILDING EXTENT BELOW

- PLANTING LEGEND**
- 6" EXTENSIVE GREEN ROOF
 - 24" INTENSIVE GREEN ROOF

SITE MATERIALS AND PLANTING PLAN - ROOF TERRACE



SITE MATERIALS PALETTE - ROOF

PAVING



1: Wood Tile Decking



2: Gravel Maintenance Band
Basalt

LIGHTING



Landscape Lights

PLANTERS AND PLANTER/BENCH



3: Raised Steel Planters
Powdercoat dark gray



4: Wooden Bench
Thermory Ash

FEATURES AND FURNISHINGS



5: Fire Pit
Concrete with glass guard and decorative rock

PLANT PALETTE - ROOF

6-12” EXTENSIVE GREEN ROOF



Common Yarrow | *Achillea millefolium*
1 gallon



Scotch Heather | *Calluna vulgaris*
1 gallon



Chamisso Sedge | *Carex pachystachya*
1 gallon



Tufted Hair Grass | *Deschampsia cespitosa*
1 gallon

4” EXTENSIVE GREEN ROOF



Pre-grown sedums. A durable and drought resistant sedum mix combined with drought tolerant grasses and perennials.

POTENTIAL SEDUMS:

- Sedum album* ‘Coral Carpet’
- Sedum kamtschaticum*
- Sedum kamt* ‘Weihenstephaner Gold’
- Sedum sexangulare*
- Sedum spurium* ‘Album Superbum’
- Sedum spurium* ‘Fuldaglut’
- Sedum spurium* ‘Summer Glory’
- Sedum takesimensis* ‘Golden Carpet’

24” INTENSIVE PRECEDENT PHOTOS

Raised planters with lush planting



6” - 12” EXTENSIVE PRECEDENT PHOTOS

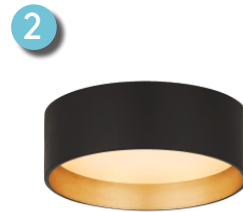
Bright sedums with year round interest combined with grass and perennial plants



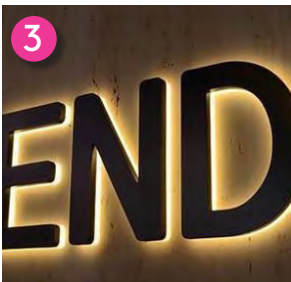
PRELIMINARY EXTERIOR LIGHTING PLAN



Wall Sconce at Brick



Down Light



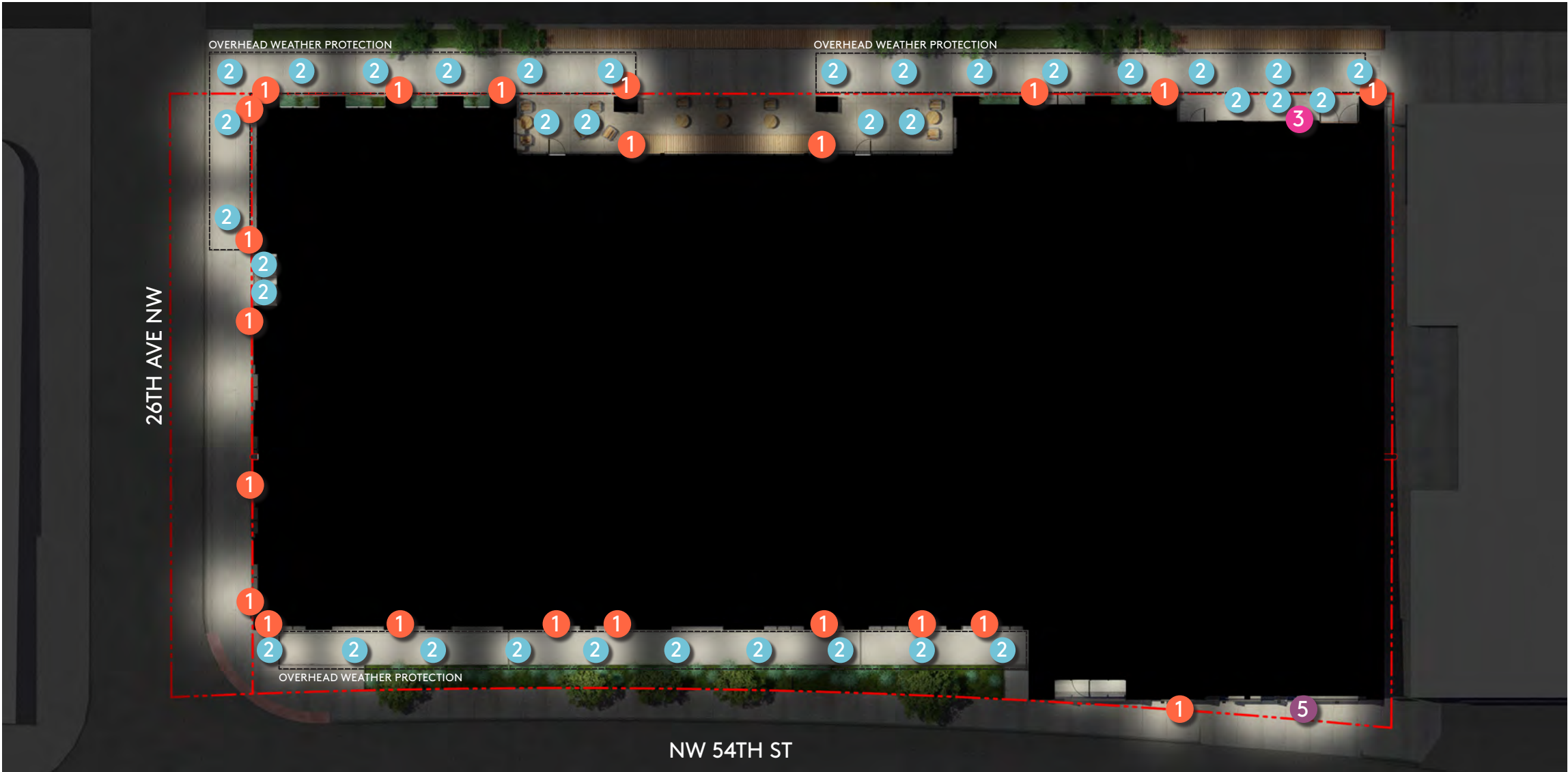
Sign Embedded Lighting



Landscaping Lights Embedded in Planters



Parking Entry Lighting



Aerial view highlighting ground plane lighting design - lighting levels are approximate.



Aerial view highlighting roof deck lighting design - lighting levels are approximate.

PRELIMINARY SIGNAGE PLAN

- H

Hanging Blade Signage
- B

Building Name Signage
- P

Parking Signage
- G

Glass Applied Signage
- A

Address Signage



PRELIMINARY SIGNAGE DESIGN - *PROPOSED SIGNS*

H Hanging Blade Signage

B Building Name Signage

P Parking Signage

G Glass Applied Signage

A Address Signage



PRELIMINARY SIGNAGE DESIGN - PRECEDENT EXAMPLES

HANGING SOFFIT / MOUNTED EXTERIOR SIGNAGE



ADDRESS SIGNAGE

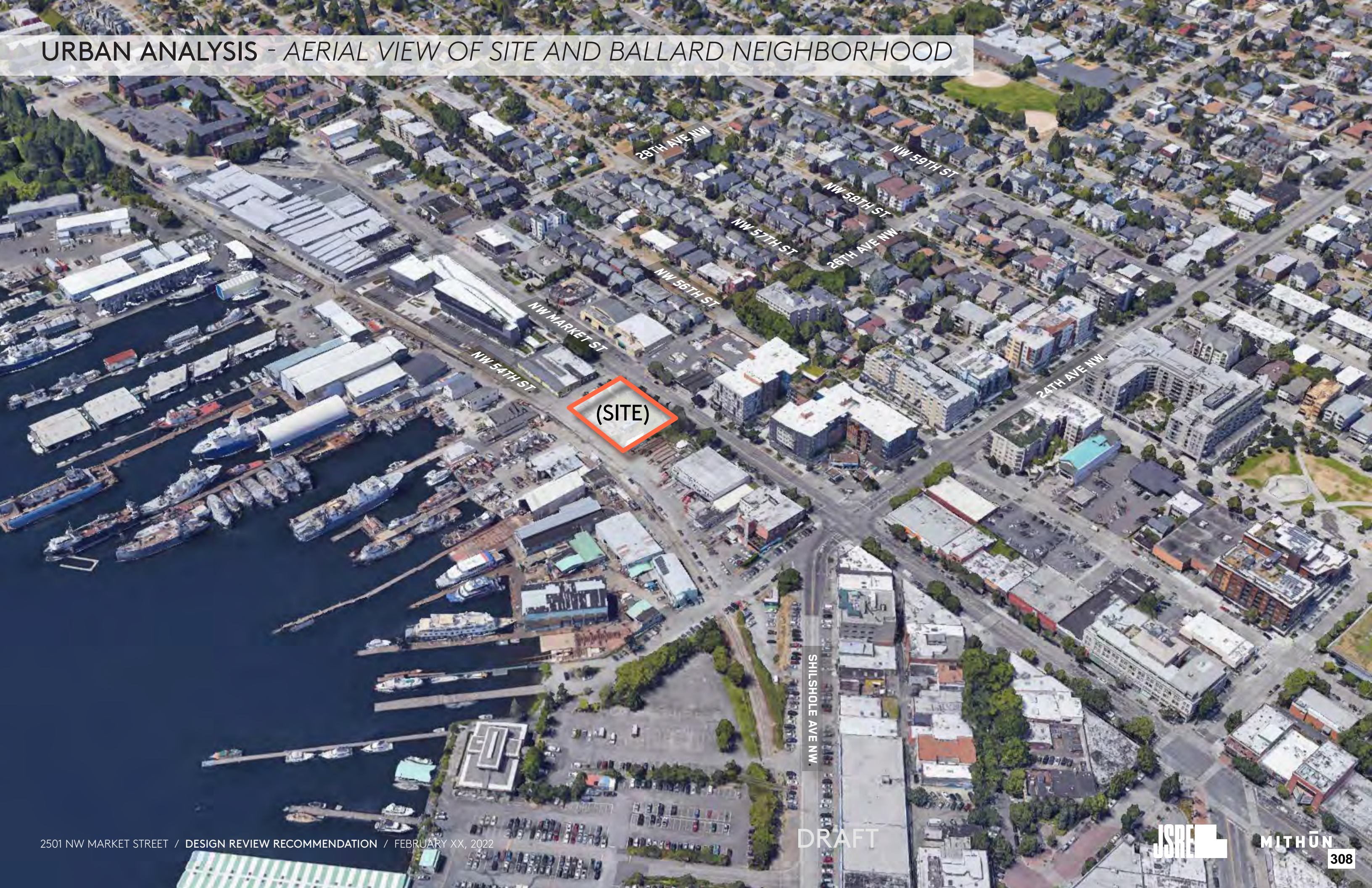


GLASS APPLIED SIGNAGE



Appendix—

URBAN ANALYSIS - AERIAL VIEW OF SITE AND BALLARD NEIGHBORHOOD



(SITE)

URBAN ANALYSIS - URBAN CENTERS / VILLAGES



BALLARD URBAN VILLAGE

2501 NW Market St

15TH AVE NW

BALLARD GATEWAY

BALLARD GATEWAY

MAJOR BALLARD GATEWAY

NW MARKET ST

MAJOR BALLARD GATEWAY

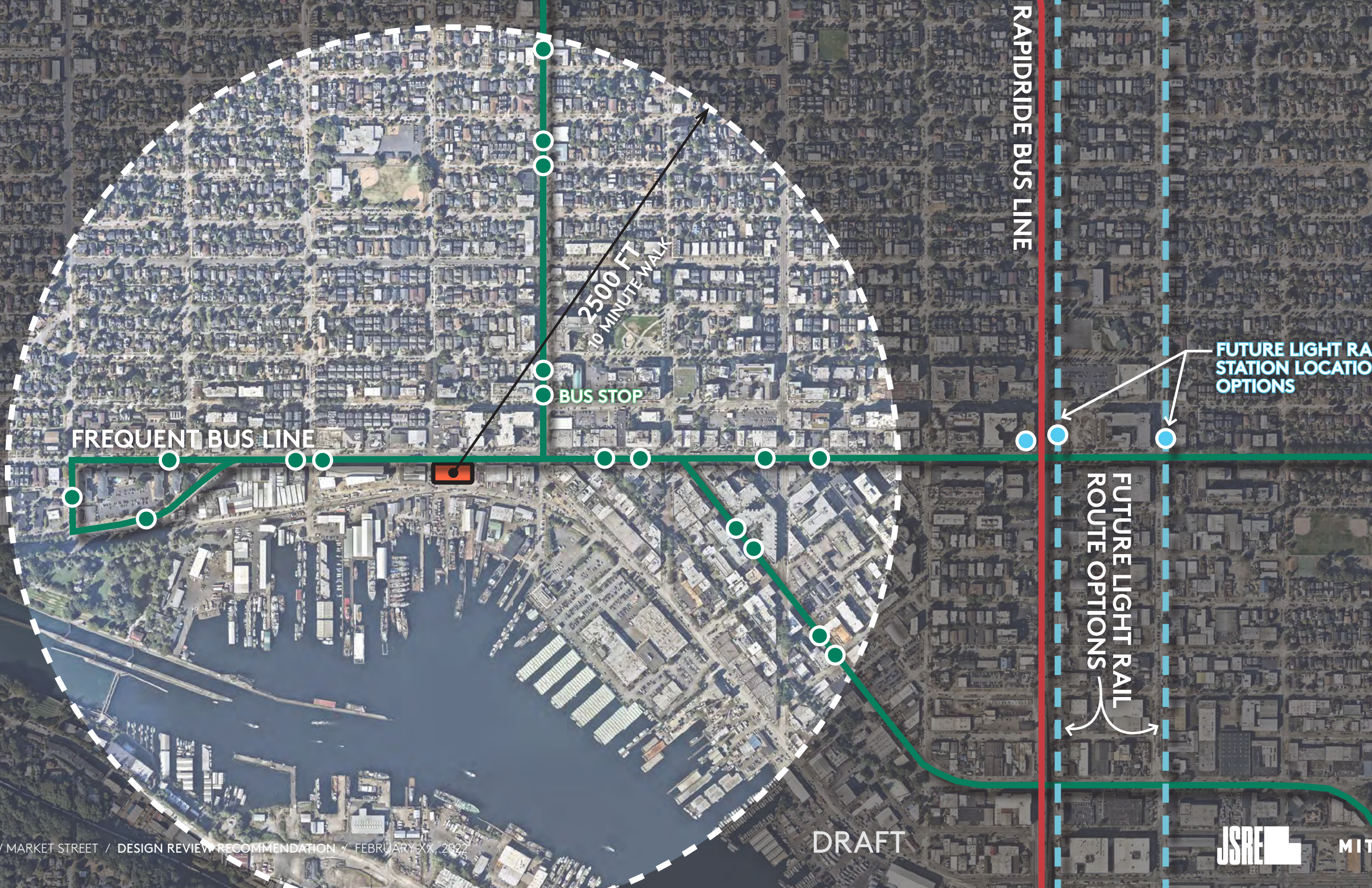
SHORELINE MASTER PROGRAM BOUNDARY

BINMIC BOUNDARY

BALLARD GATEWAY

DRAFT

URBAN ANALYSIS - FREQUENT TRANSIT LOCATIONS



URBAN ANALYSIS - AERIAL VIEW OF SITE



("Thuja occidentalis" along NW Market St to be removed)

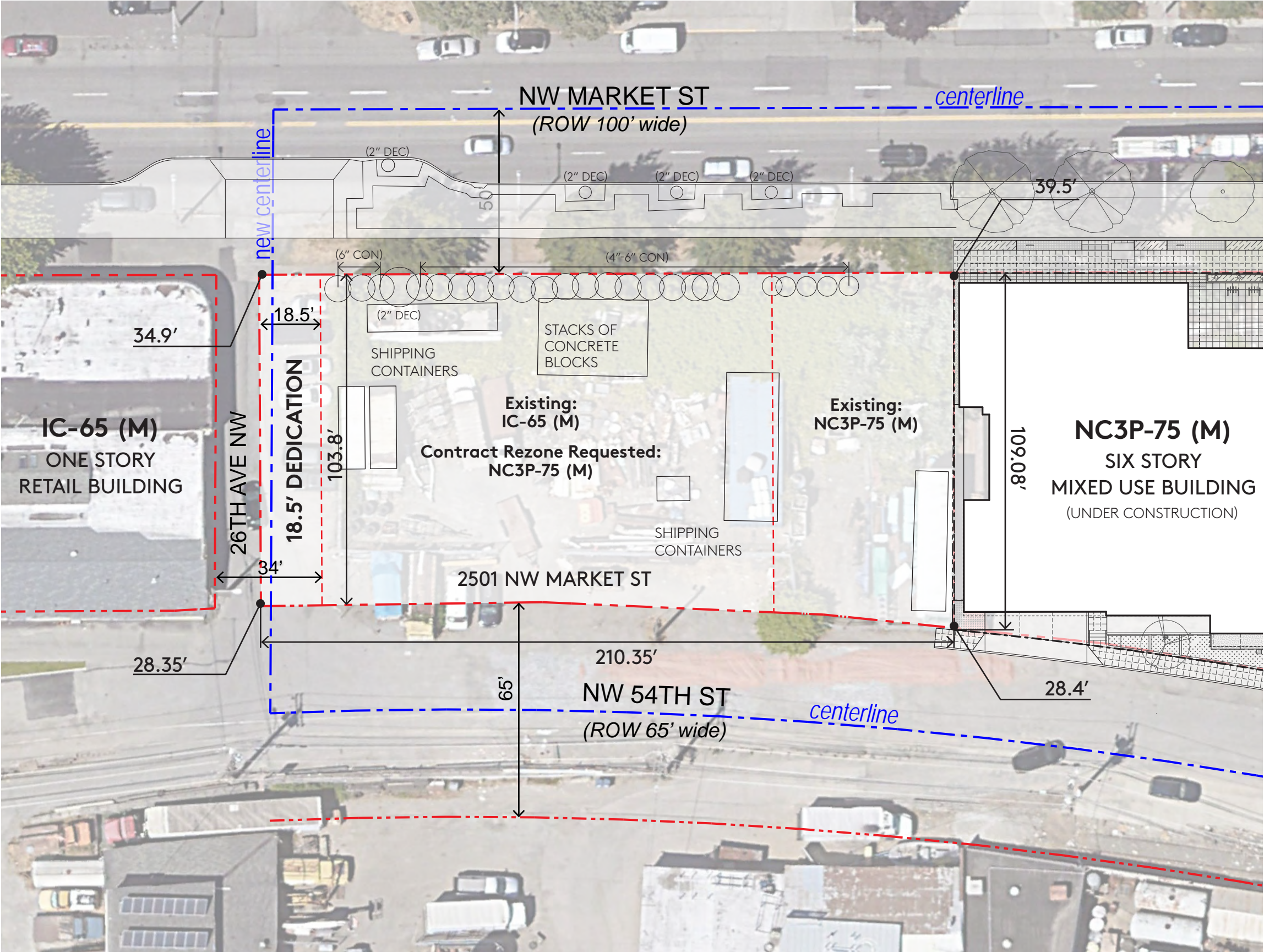


Aerial View Looking Southeast



Aerial View Looking Southwest

URBAN ANALYSIS - EXISTING SITE CONDITIONS



Location

The site is bounded on the north by NW Market Street, on the south by NW 54th Street, and on the west by 26th Avenue NW.

Parcel Size

21,824 SF (0.5 Acres)(Parcel Number: 1125039037)

Legal Description

POR OF WLY 210.75 FT (MEAS ALG MARKET ST) OF VAC TRACT 49 FARMDALE HOMESTEAD LY N OF GN RR R/W & S OF SD MARKET ST

Existing Uses and Structures

The site is vacant and used for the laydown and storage of industrial material associated with ship yard across NW 54th Street.

Topography

The site slopes gently down from the northeast corner to the southwest corner. In total, the site slope measures approximately 11 feet in elevation difference from corner to corner, with approximately 6% slope along 26th Avenue NW from north to south.

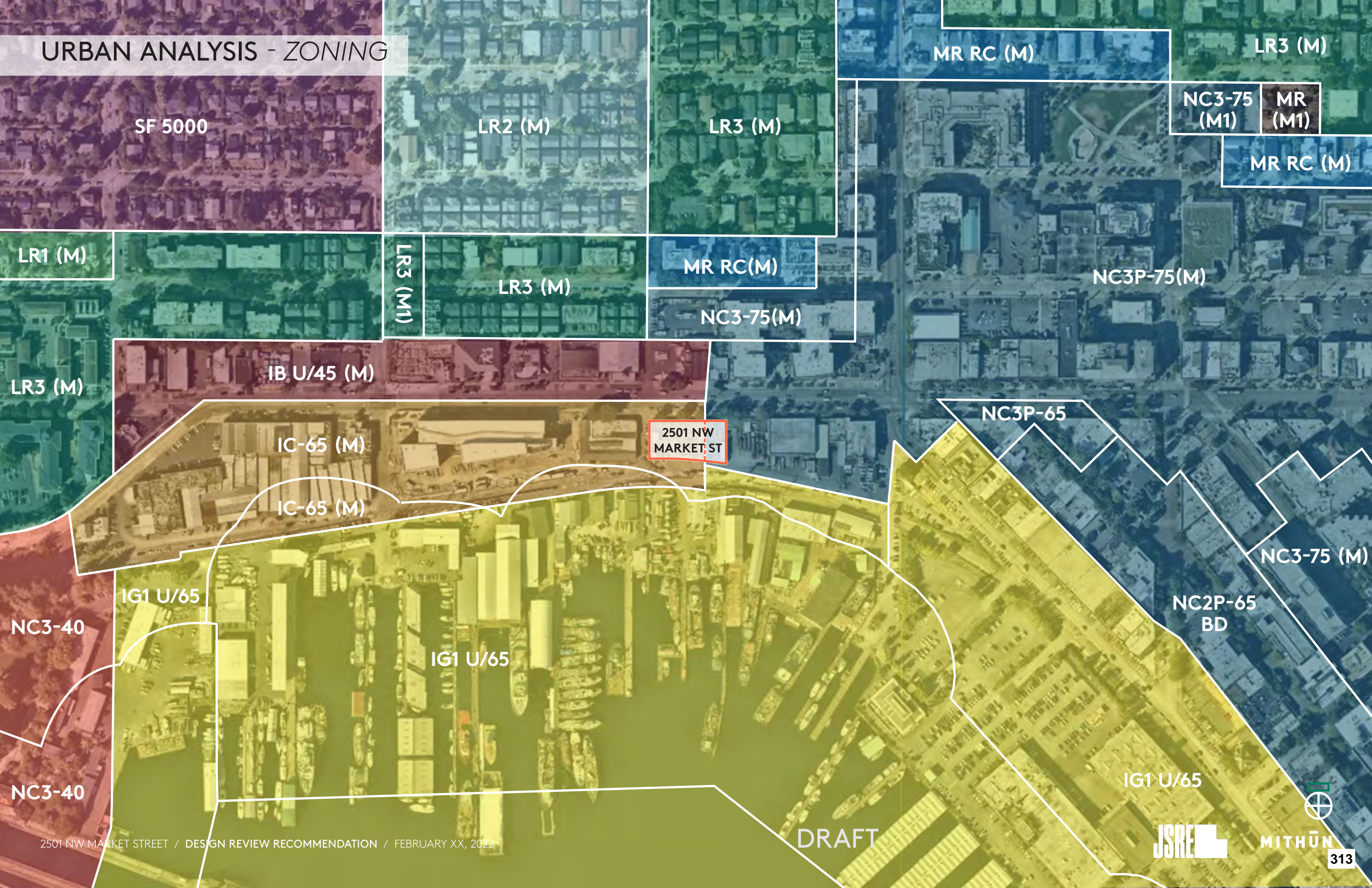
Existing Trees

24 Thuja occidentalis (Arborvitae) located along the north edge of the site, ranging from 4"-6" in caliper, along with one 2" caliper deciduous tree. Additionally, four 2" caliper deciduous trees are located along Market Street, outside of the property line.

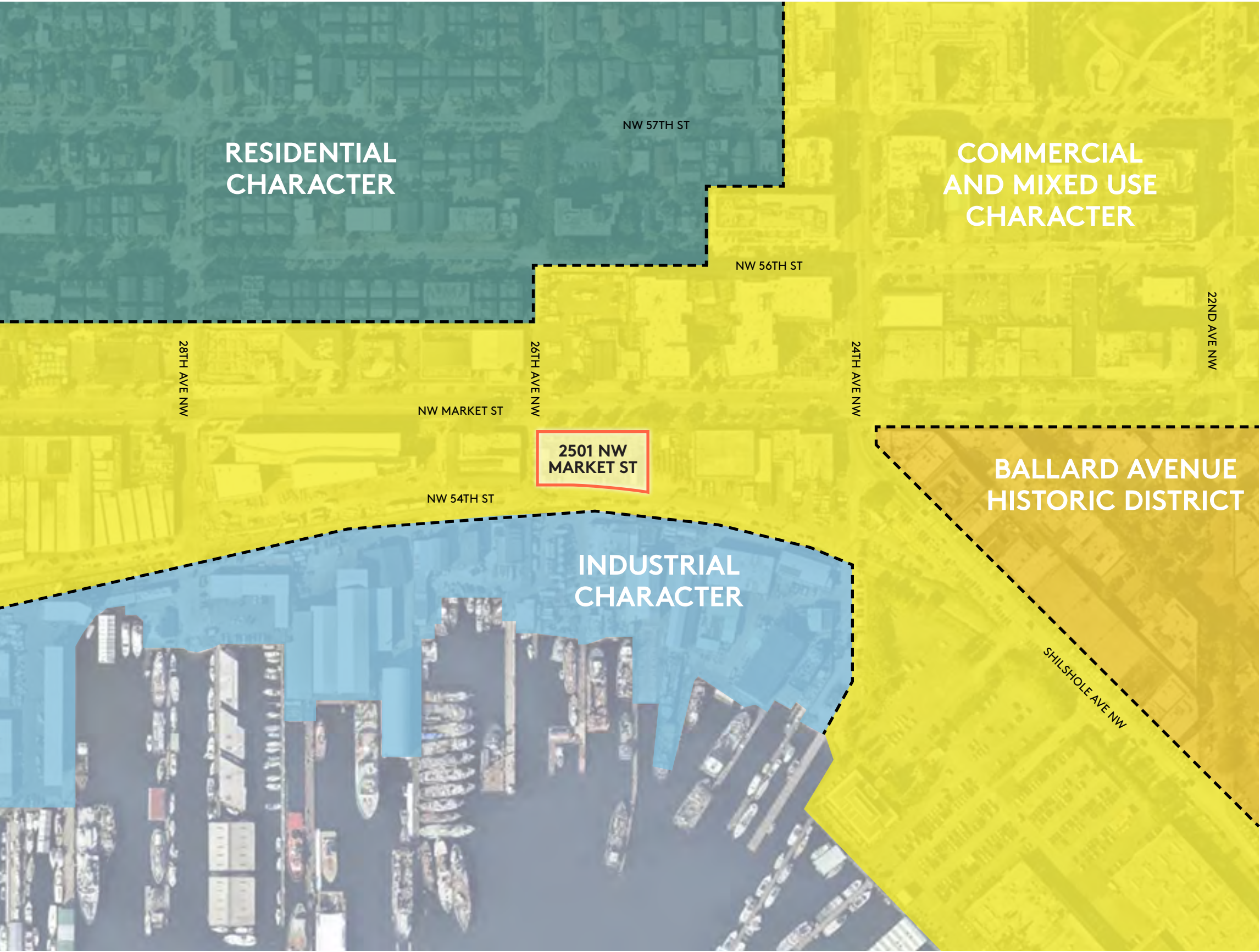
Contract Rezone

The western portion of the site is currently zoned "IC-65 (M)". A Contract Rezone is requested to change this portion to "NC3P-75 (M)" to match the eastern portion of the site and the neighbors to the east and northeast.

URBAN ANALYSIS - ZONING



URBAN ANALYSIS - TRANSITION IN USE / CHARACTER



Commercial and Mixed Use ●●

This zone is characterized by newer mixed-use buildings, with retail at grade and housing above.



Residential ●

This zone includes single family houses and small multi-unit housing structures. The majority of these buildings are between 1 and 4 stories tall.



Industrial ●

The industrial area consists of warehouses, supply buildings, and shipyards. Buildings vary in height along the harbor/waterfront.

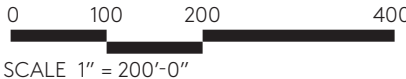


URBAN ANALYSIS - SURROUNDING USES (EXISTING)



2501 NW MARKET STREET / DESIGN REVIEW RECOMMENDATION / FEBRUARY XX, 2022

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315

URBAN ANALYSIS - TRANSPORTATION AND BOUNDARIES

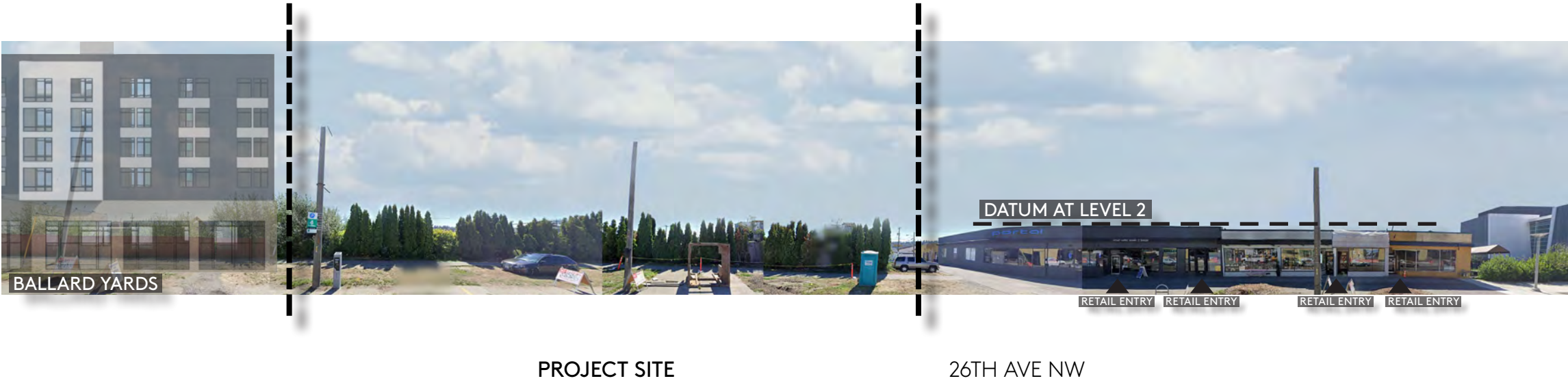


URBAN ANALYSIS - *STREETSCAPE*

01 ELEVATION - LOOKING NORTH FROM MARKET STREET



02 ELEVATION - LOOKING SOUTH FROM MARKET STREET



URBAN ANALYSIS - *STREETSCAPE*

03 ELEVATION - LOOKING SOUTH FROM NW 54TH STREET

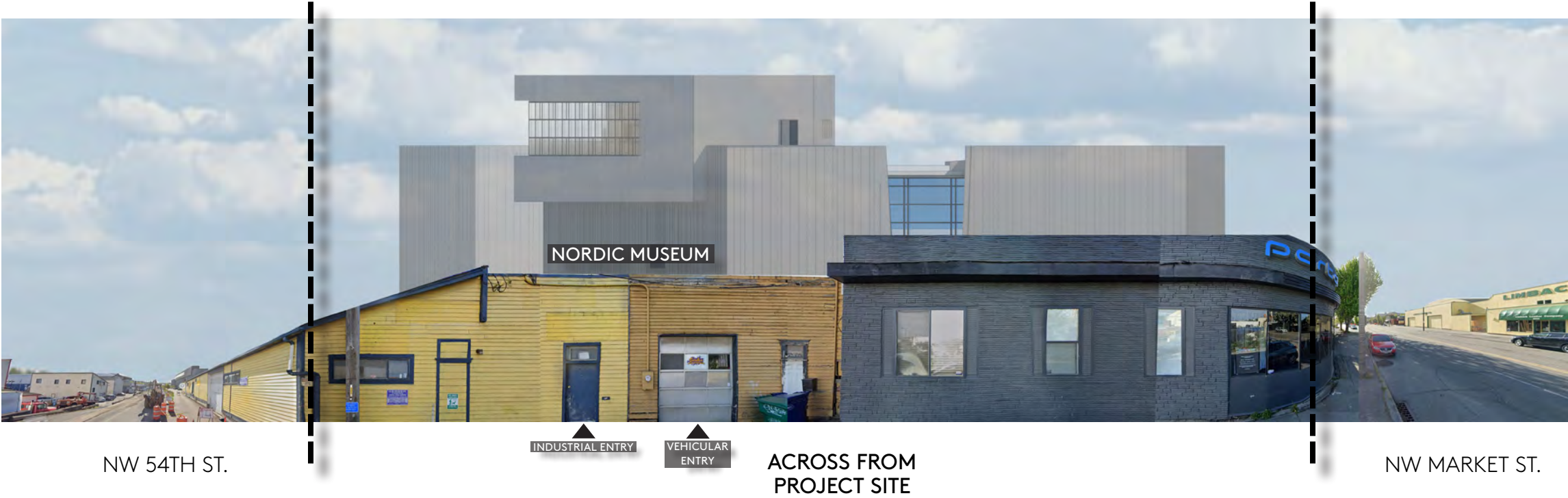


04 ELEVATION - LOOKING NORTH FROM NW 54TH STREET



URBAN ANALYSIS - *STREETSCAPE*

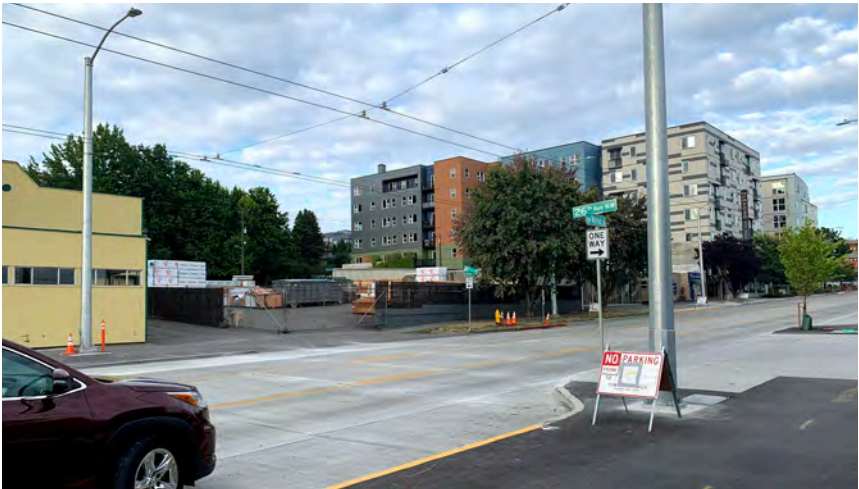
05 ELEVATION - LOOKING WEST FROM 26TH AVE NW



06 ELEVATION - LOOKING EAST FROM 26TH AVE NW



URBAN ANALYSIS - SITE PHOTOS



1. VIEW EAST TO AMLI MARK 24



2. INDUSTRIAL TO SOUTH



3. NORTH EDGE OF PROPERTY FROM MARKET



4. WEST EDGE OF PROPERTY LOOKING SOUTH



5. PROPERTY FROM MARKET



6. LOOKING WEST TOWARD THE NORDIC MUSEUM



7. WEST EDGE OF PROPERTY



8. NORTH TO LIMBACK LUMBER



9. SOUTH EDGE OF PROPERTY LOOKING EAST



URBAN ANALYSIS - BALLARD INDUSTRIAL CHARACTER



1. PACIFIC FISHERMEN INC.



2. BALLARD INDUSTRIAL



3. BARDAHL OIL SIGN



4. SALMON BAY



5. STABBERT MARITIME



6. SEATTLE MARITIME ACADEMY



7. WAYPOINT MARINE



8. BOAT STORAGE FACILITY

The nearby industrial waterfront south of the project site utilizes a range of building types and styles that mix functionality and design. The scheme shown explored these precedents in regard to their architectural character, facade treatment, and use of materials.

1. Pacific Fishermen Inc. located to the south of the site, presents an eclectic wood facade treatment and architectural character (overhead weather protection, signage, etc.) that aligns with the maritime influences of the massing scheme.

2 & 6. Brick cladding features as a strong, contextually-driven element. Additionally, the pedestrian scale massing of the Ballard industrial area is influential.

4, 5, & 7. Early studies considered the remaining industrial precedents near the site for their relevant datums, as well as their restrained and honest material expression.



URBAN ANALYSIS - BALLARD HISTORY



1. MARKET ST.



2. INDUSTRIAL CONSTRUCTION



3. INDUSTRIAL CONSTRUCTION

The traditional architectural character along Ballard Avenue, as well as the working class industrial history at the waterfront, provides inspirational local landmarks for the massing scheme shown. Early studies considered historically resonant material application (1, 4, 6, & 7), the structural expression of traditional buildings (2, 3, & 5), the use of simple rectilinear volumes (1, 6, & 7), and human scale massing divisions (1, 4, 6, & 7).

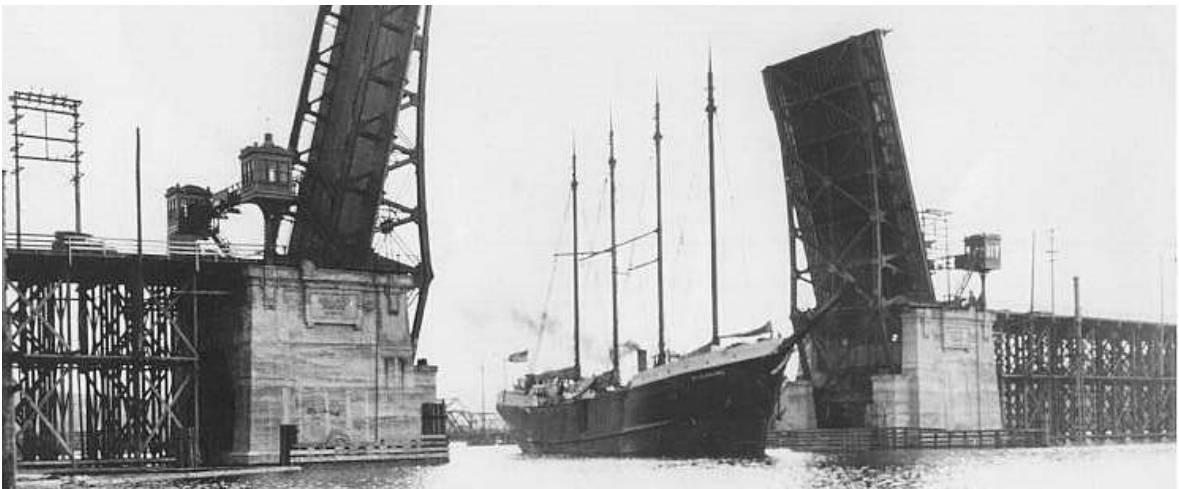
97



6. MARKET ST.



4. STIMSON LUMBER MILL



5. BALLARD BRIDGE



7. BALLARD AVE.



8. STIMSON LUMBER MILL

URBAN ANALYSIS - TRADITIONAL BALLARD CHARACTER (BALLARD AVE LANDMARK DISTRICT)



1. SPACE ODDITY VINTAGE



2. PATXI'S PIZZA



3. STUDIO RA



4. CAFFÈ UMBRIA



5. BELLTOWER



6. THE MATADOR



7. MACLEOD'S



8. BALLARD ANNEX



9. SECRET GARDEN BOOKS

The scheme shown in this package considers the architectural character of buildings along Ballard Avenue to ensure continuity of the design and the nearby landmark district.

1, 2, 4, 6, 7, & 9. The facades of buildings along Ballard Avenue define a continuous edge and provide coherent spatial definition. The northwest corner of 2501 Market St. is a highly visible and prominent corner, and early massing studies strived to provide a similar spatial definition in their composition.

1, 2, 4, 5, 6, & 7. Brick cladding is a noteworthy attribute of Ballard's traditional architectural character and is included as a material in the scheme presented herein to relate to both Ballard's traditional and industrial landmarks.

2, 8, & 9. The expression of the building's structural grid is present on the facades of numerous buildings along Ballard Avenue. This strategy is used as a means to break down the scale of large massing volumes and provide visual interest.

1, 2, 4, 6, 7, & 8. The massing scheme strives to maintain a restrained and timeless design by considering the use of simple, rectilinear volumes in Ballard's traditional architecture.



URBAN ANALYSIS - BALLARD NEIGHBORHOOD CHARACTER



1. NORDIC MUSEUM



2. 14TH AVENUE BOAT LAUNCH



3. BALLARD INN



4. BALLARD COFFEE WORKS



5. BALLARD RETAIL MURAL



6. ODIN STREET LEVEL



7. BALLARD AVENUE LANDMARK DISTRICT



8. BALLARD LIBRARY



9. TRAILBEND TAPROOM



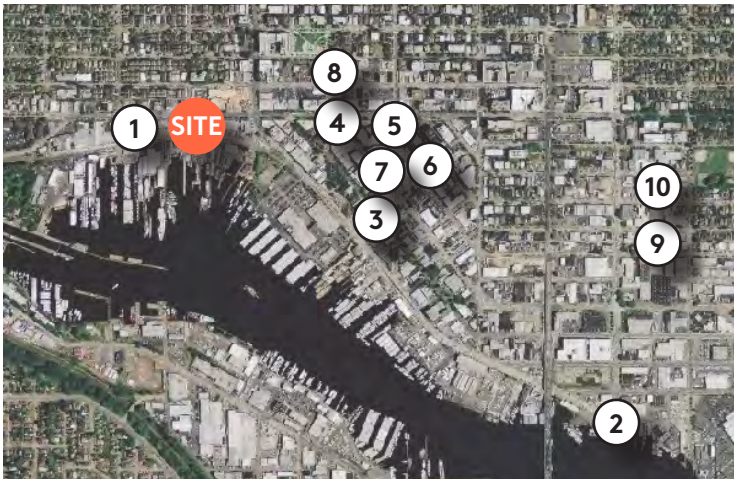
10. OBEC BREWING

While the massing scheme considered numerous precedents near the project site, the architectural character of the greater Ballard neighborhood also influenced the design.

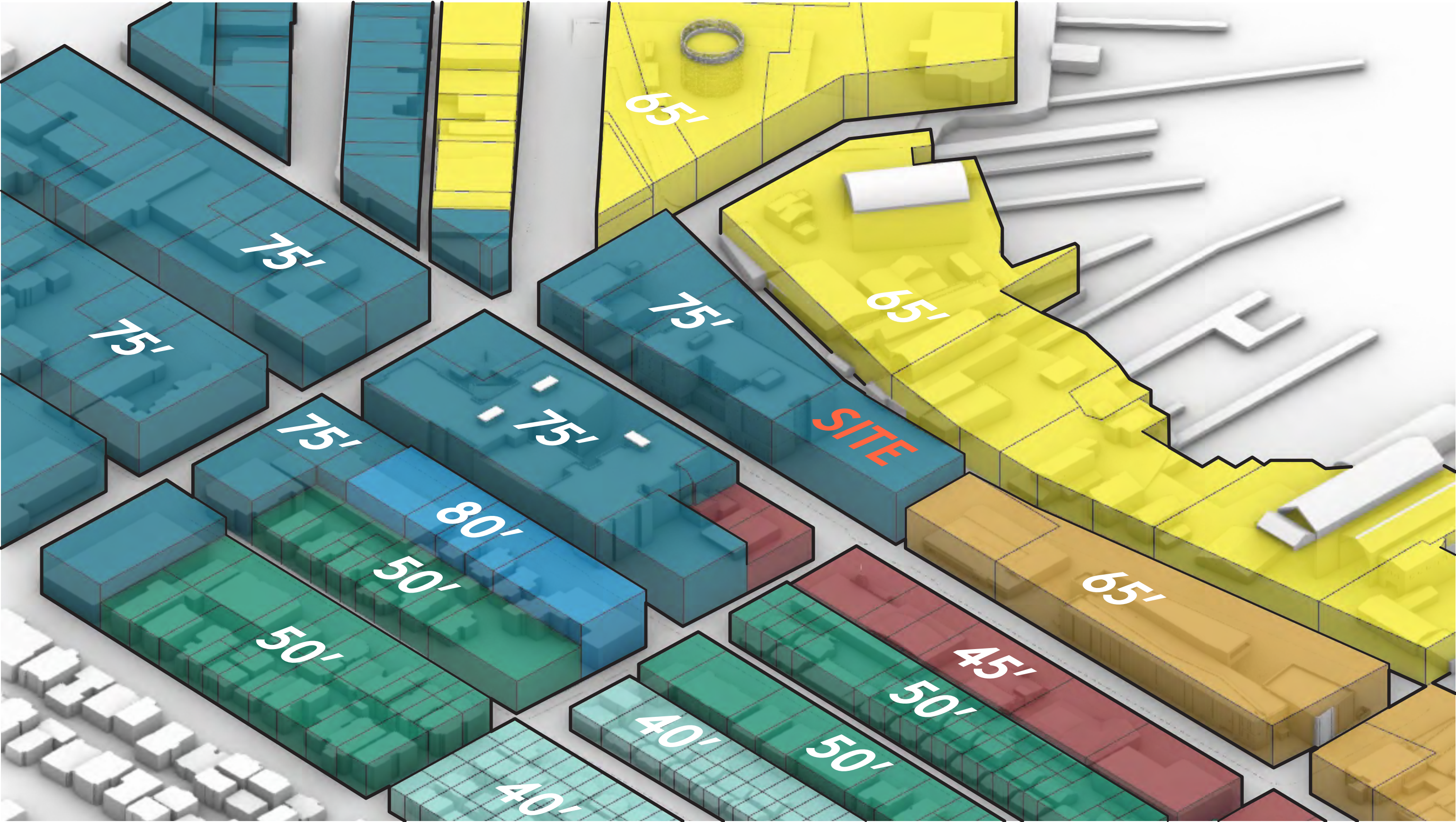
1, 6, 8, & 9. Modern urban design principles are considered in the development of the project to ensure pedestrian comfort and scale.

2, 4, 6, 9, & 10. The design team endeavors to provide outdoor spaces that encourage human interaction and activity at the street-level.

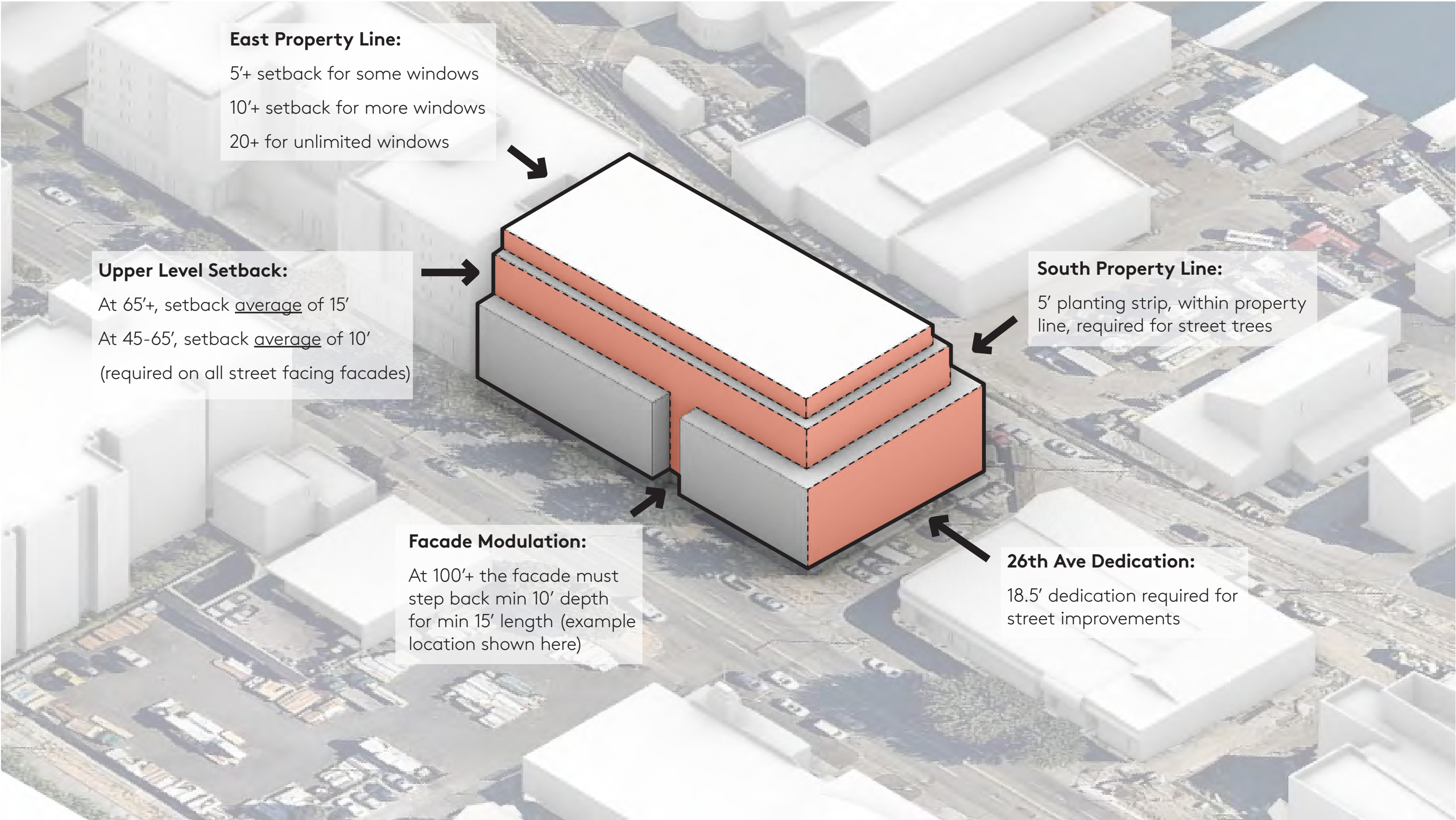
1, 8, & 9. The scheme shown takes cues from the material palette of contemporary design in Ballard and the simplicity and elegance of scandinavian design which inspired the Nordic Museum, a recent addition to the neighborhood.



URBAN ANALYSIS - CONTEXT ZONING POTENTIAL



URBAN ANALYSIS - ZONING SUMMARY DIAGRAM - NC3P-75 (M)



ZONING SUMMARY - SEATTLE - TITLE 23 LAND USE CODE

Applicable Code	Seattle Municipal Code - Title 23 - Land Use Code
Address	2501 NW Market St
Parcel Number	1125039037
Zoning / Land Use Classification	Existing NC3P-75(M) & IC-65(M), Contract Rezone Requested from IC-65(M) to NC3P-75(M)
Site Area	21,825 SF (0.5 Acres)
Special Review District	NONE
Urban Center Overlay	

23.47A.005 - Street Level Uses 23.47A.005.D.1: Along designated principal pedestrian streets, 80% of the street-level street-facing facade must be a use listed in 23.47A.008.C (non-residential use).	Applies to NW Market St: Non-Residential proposed along 80% of the street-level facade.
23.47A.008 - Street-Level Development Standards 23.47A.008.A.2 - Blank Facades Blank segments of the street-facing facade between 2 feet and 8’ above the sidewalk may not exceed 20’ in width. The total of all blank facade segments may not exceed 40% of the width of the facade of the structure along the street.	Applies to all three street frontages. Blank facades will not exceed 20’ in width or 40% of total area.
23.47A.008.B - Non-residential street-level requirements Transparency: 60% of the street-facing facade between 2’ and 8’ above the sidewalk shall be transparent.	Applies to all three street frontages.
Depth Provisions: non-residential uses greater than 600 sf are required to have an average depth of at least 30’ and a minimum depth of 15’. In a pedestrian designated zone, non-residential uses less than 600 sf are required to have an average depth of at least 20’ and a minimum depth of 10’.	Commercial space proposed along NW Market St and will be compliant.
Non-residential uses at street level shall have a floor-to-floor height of at least 13 feet.	Commercial space proposed along NW Market St and will have a floor to floor height of 13’ or greater.
23.47A.008.C.4 - Overhead Weather Protection Continuous overhead weather protection is required along at least 60% of the street frontage of a structure on a principal pedestrian street. The covered area shall have a minimum width of 6’.	Applies to NW Market St. At least 60% coverage will be provided.
23.47A.008.D.2. The floor of a dwelling unit located along the street-level, street-facing facade shall be at least 4’ above or 4’ below sidewalk grade or be set back at least 10’ from the sidewalk.	Apartment units NW 54th St. Refer to plans.

23.47A.009.F - Ballard Hub Urban Village 23.47A.008.F.2.B Facade Modulation The maximum width of any street-facing facade is 100 feet. Facades longer than 100 feet shall be modulated at 100-foot intervals by stepping back the facade a minimum depth of 10 feet and a minimum width of 15 feet.	Applies to all three street frontages.
23.47A.008.F.4.B Upper-Level Setbacks A setback with an average depth of 10’ from all abutting street lot lines is required for portions of a structure above a height of 45’ / and 15’ average above 65’.	See departure requests.
23.47A.012 Structure Height 23.47A.012.A Height limit - 75’	75’
23.47A.013 Floor Area Ratio (FAR) 23.47A.013.A FAR allowed - 5.5 ALLOWED.	5.33 Proposed
23.47A.024 Amenity Area 23.47A.024.A - Amenity areas are required in an amount equal to 5% of the total gross floor area in residential use (Gross floor area, for the purposes of this subsection, excludes areas used for mechanical equipment and accessory parking).	5% minimum will be provided through a mix of public and private amenity space.
23.47A.032 Parking Location and Access 23.47A.032.A.1.A. In NC zones, access to parking shall be from the alley if the lot abuts an alley.	Refer to ground floor plans for garage access location.
23.54.015 Required Parking and Maximum Parking Limits 23.54.015 - Required vehicular Parking NO MINIMUM REQUIREMENT IN FREQUENT TRANSIT SERVICE AREA.	Though not required, approximately 67 residential stalls provided.
23.54.015.K Bicycle Parking - table D Commercial Uses (eating and drinking): Long-term - 1 per 5,000 sqft / short-term - 1 per 1,000 sqft Commercial Uses (sales and services): Long-term - 1 per 4,000 sqft / short-term - 1 per 2,000 sqft Residential Uses (Multi-family structures): Long-term - 1 per dwelling unit / short-term - 1 per 20 dwelling units	Commercial bike parking - 1 long term and 6 short term spots provided. Residential bike parking in excess of minimum requirement proposed.
23.54.040 - solid waste and recyclable material storage and access	Refer to ground floor plans for waste staging location.

Comment Summary_Markup Summary

Land Use (13)



ch
C. Th
the
fer

Subject: General Land Use Review Comment
Page Index: 8
Author: Greg Johnson
X: 0.0306 in
Y: 7.2835 in
Layer: Review Comment
Review Type: Land Use

It will be helpful for the Board to be able to see the character sketches that are referenced in this guidance 2c.



Subject: General Land Use Review Comment
Page Index: 11
Author: Greg Johnson
X: 11.6397 in
Y: 3.1770 in
Layer: Review Comment
Review Type: Land Use

Identify the purpose of the dashed lines. I assume they represent the permitted building envelope of the site.

Channel beam (SW
black)



Subject: General Land Use Review Comment
Page Index: 20
Author: Greg Johnson
X: 15.5898 in
Y: 9.1680 in
Layer: Review Comment
Review Type: Land Use

What is the intended finish on the underside of the canopy?



Subject: General Land Use Review Comment
Page Index: 21
Author: Greg Johnson
X: 7.9179 in
Y: 5.1111 in
Layer: Review Comment
Review Type: Land Use

What is the thickness of the brick veneer?



Subject: General Land Use Review Comment
Page Index: 25
Author: Greg Johnson
X: 1.7087 in
Y: 2.6200 in
Layer: Review Comment
Review Type: Land Use

Identify vent locations on elevation drawings and provide a description/diagrams showing how they will be incorporated into the facade design.



Subject: General Land Use Review Comment
Page Index: 27
Author: Greg Johnson
X: 12.7116 in
Y: 6.4481 in
Layer: Review Comment
Review Type: Land Use

Because the Board specifically identified the Nordic Museum frontage as a precedent, it would be helpful to have images of that frontage for reference.



Subject: General Land Use Review Comment
Page Index: 33
Author: Greg Johnson
X: 14.5048 in
Y: 6.4940 in
Layer: Review Comment
Review Type: Land Use

In our meeting last week, we discussed ways that the various potential ROW dedications could be presented to the Board.



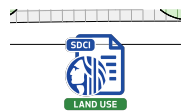
Subject: General Land Use Review Comment
Page Index: 51
Author: Greg Johnson
X: 12.6733 in
Y: 4.8304 in
Layer: Review Comment
Review Type: Land Use

Has a determination been made by Zoning for which lot line is the front lot line according to 23.47A.032C? If the 54th St. lot line isn't a front lot line, what type of lot line is it?



Subject: General Land Use Review Comment
Page Index: 53
Author: Greg Johnson
X: 14.9933 in
Y: 5.7841 in
Layer: Review Comment
Review Type: Land Use

Specify the amount of departure (in feet) required for each dimension requirement for sight triangles.



Subject: General Land Use Review Comment
Page Index: 55
Author: Greg Johnson
X: 4.8892 in
Y: 9.0180 in
Layer: Review Comment
Review Type: Land Use

Add dimensions for elements along the 54th St. frontage (walkway widths, planter widths, etc.)



Subject: General Land Use Review Comment
Page Index: 56
Author: Greg Johnson
X: 5.0282 in
Y: 0.4730 in
Layer: Review Comment
Review Type: Land Use

Add dimensions to street frontages for walkway and planter depths.



Subject: General Land Use Review Comment
Page Index: 64
Author: Greg Johnson
X: 6.6363 in
Y: 9.6554 in
Layer: Review Comment
Review Type: Land Use

Place this elevation drawing with the other elevation drawings.



Subject: General Land Use Review Comment
Page Index: 65
Author: Greg Johnson
X: 12.1401 in
Y: 1.7465 in
Layer: Review Comment
Review Type: Land Use

Add massing step-back dimensions.

Attachment 2

Pacific Fishermen, Inc.

Pacific Fishermen Shipyard

Three Marine Railways and Lift Dock to 160 ft. x 600 Tons
Professional Ship and Yacht Repair Since 1946

PFI Marine Electric

UL Certified Switchboard Panel Shop
PFI Electric Dutch Harbor

Tel: 206-784-2562
Fax: 206-784-1986
DougD@PFIShipyard.com

5351 24th Ave NW
Seattle, WA 98107
www.pacificfishermen.com

January 5, 2022

Re: 2501 NW Market Street Project & Rezone

Dear Greg Johnson:

We are a longtime Ballard heavy industrial business, founded by 400 Norwegian heritage fishermen and their wives, operating a shipyard in Seattle since 1946. As the seller of the 2501 NW Market Street property site, Pacific Fishermen, Inc., is writing to express our support for the project and the necessary request for a one level rezone match of our split-zoned property to build this project and alignment with the character and public needs of Market Street.

There have been Nordic heritage shipyards in the vicinity of this vacant lot for 150 years, since 1871, before Ballard was annexed. Unlike like our IG1 heavy industrially zoned shipyard, this vacant property is "across the tracks" in a split IC light commercial/NC3 Neighborhood Commercial zone, out of the BINMIC Ballard Interbay Northend Manufacturing Industrial Center and IG1 zoning.

This site has never been used for an industrial purpose and is located within the Ballard Urban Village, meaning the proposed use is compatible with the urban nature of the neighborhood's central business district. We have been unable to find a suitable industrial use. It has been used as boat, car and truck storage, as there was no tenant demand for other uses. It's size and location have never lent itself toward an industrial tenant or long-term manufacturing, maritime or industrial use. In addition, it has been mostly vacant with no tenants displaced or demand for a use that will go unmet by a change in zoning.

In addition, the sale of this property will greatly benefit the Ballard industrial community. The rezone will provide Pacific Fishermen Shipyard with much-needed funds that will restore the Shipyard to its original capacity through costly dredging along the Ship Canal. The funds may also be used to help with our Union's underfunded pension liabilities, which forced another shipyard, FVO Fishing Vessel Owners and Marine Ways at Fishermen's Terminal into bankruptcy.

In conclusion, we strongly support this beneficial new project and its modest rezone request. If you have any questions, please contact me at DougD@PFIShipyard.com or (206) 718-0253.

Sincerely,

Pacific Fishermen, Inc.
Pacific Fishermen Shipyard and Electric, LLC



Doug Dixon
Corporate Secretary

Attachment 4

January 6, 2022

Re: 2501 NW Market Street Project & Rezone

Dear Greg Johnson:

As a longtime real estate broker and investor in the Seattle area, it is clear the site at 2501 NW Market has not been in industrial use for many years and would not be a candidate for a future tech-oriented R&D business, nor a campus-like environment for new tech-oriented industrial development.

This is due to the site's small size and the lack of demand in West Ballard for this type of use, compared to more competitive areas in South Lake Union, Kirkland and Bellevue. Additionally, this type of use wants to be closer to freeways and urban centers, not residential neighborhoods that are more access constrained.

Additionally, given the site's inclusion in the Ballard Urban Village, and the new developments in entitlement or under construction along NW Market St east of 24th Ave NW, it is clear the site is best suited for multifamily residential development.

Thank you,

A handwritten signature in black ink that reads "Timothy McKay". The signature is written in a cursive, flowing style.

Tim McKay
Senior Vice President
Colliers Seattle

ATTACHMENT C

May 17, 2022

Re: 2501 NW Market Street Project

Dear Greg Johnson:

As a longtime industrial real estate broker in Seattle, I am commenting today on the 2501 NW Market Street project.

In my opinion this site (~ 15,000 SF) would be considered too small to build a modern distribution center that is functional and cost effective. Additionally, distribution centers typically want to be closer to freeways and not access constrained as is 2501 NW Market Street.

Also, the site is on NW Market Street, adjacent to a mixed-use residential development. Most industrial distributors would likely be concerned about proximity to residential.

Given the property's inclusion in the Ballard Urban Village, and the new developments in entitlement or under construction along NW Market Street, as well as its size and access issues, it is my opinion that the 2501 NW Market Street site is better suited for other uses, such as multi-family.

Thank you.



Wilma Warshak, SIOR

March 16, 2023

MEMORANDUM

To: Land Use Committee
From: Ketil Freeman, Analyst
Subject: Clerk File 314470 and Council Bill 120533 – Contract Rezone, 2501 NW Market Street

On March 22, the Land Use Committee (Committee) will have a briefing and may make a recommendation to City Council on [Clerk File \(CF\) 314470](#), which is an application by J. Selig Real Estate, LLC for a contract rezone of a site located in the Ballard urban village and addressed as 2501 NW Market Street, and Council Bill (CB) 120533, which would implement the rezone if approved by Council.

This memorandum: (1) provides an overview of the rezone application contained in CF 314470; (2) describes the contents of Council decision documents, which would grant the rezone application, including a summary of CB 120533, which would amend the Official Land Use Map, also known as the zoning map, to effectuate the rezone, and accept a Property Use and Development Agreement (PUDA) limiting future development; and (3) describes next steps.

Overview of Rezone Application

J. Selig Real Estate, LLC (Applicant) has applied for a contract rezone for the western portion of a split-zoned site from Industrial Commercial with a 65-foot height limit and M Mandatory Housing Affordability (MHA) suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75-foot height limit, pedestrian designation and M MHA suffix (NC3P 75 (M)). The proposal site is approximately half an acre in size. The proposed rezone would apply to the western 15,934 square feet of the property.

The applications includes a Master Use Permit to redevelop the site with a mixed use building with 107 apartment units, retail on Market Street, and three live-work units. The Applicant intends to satisfy MHA program requirements through on-site performance.

On January 5, 2023, the Seattle Department of Construction and Inspections (SDCI) issued an affirmative recommendation to conditionally approve the application. On January 31, 2023, the Deputy Hearing Examiner held an open-record public hearing on the proposed rezone. On February 8, 2023, the Deputy Hearing Examiner recommended conditional approval. That recommendation was subsequently clarified and reissued on February 16, 2023.

Hearing Examiner recommended conditions are:

DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

RECOMMENDED CONDITIONS – REZONE

Prior to Issuance of a Building Permit

2. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU.

For the Life of the Project

3. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

DEPARTMENT IMPOSED CONDITIONS – SEPA

Prior to Issuance of Master Use Permit

4. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to Issuance of Demolition, Grading, or Construction Permit

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website.

6. Provide an archaeological monitoring and discovery plan prepared by a qualified professional; the plan shall be consistent with the recommendations in the Archaeological Resource Report (Historical Research Associates, Inc., March 8, 2022) on file and include statement that the Duwamish Tribe shall be notified in the event of archaeological work.

During Construction

7. Archaeological monitoring shall occur consistent with the archaeological monitoring and discovery plan submitted in response to condition 6.

8. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify the SDCI Land Use Planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Type of Action

A Council decision on the rezone application is quasi-judicial.¹ Quasi-judicial decisions are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and are governed by the Council's Quasi-judicial Rules.²

Council decisions must be made on the record established by the Hearing Examiner. The Hearing Examiner establishes the record at an open-record hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing.

Audio recordings of the approximately 40 minute hearing can be accessed through the Hearing Examiner's website.³ Excerpts from the record, including the early design guidance outreach packet, the SDCI recommendation, other public comments letters, and an analysis by the Applicant of how the proposed rezone meets the rezone criteria in [SMC Chapter 23.34](#) are contained in the Legistar record for CF 314470.

Committee Decision Documents

To approve a contract rezone the Committee must make recommendations to the City Council on two pieces of legislation: (1) a Council Findings, Conclusions and Decision that grants the rezone application and (2) a bill amending the zoning map and approving a PUDA.

CF 314470 - Findings, Conclusions and Decision

Council staff has drafted a proposed Council Findings, Conclusions and Decision, which:

- Adopts the Hearing Examiner's findings and conclusions and

¹ [Seattle Municipal Code \(SMC\) Section 23.76.036](#).

² Adopted by [Resolution 31602](#) (2015).

³ [Case Details for CF-314470 \(seattle.gov\)](#).

- Adopts the remaining prior-to-Master-Use-Permit-Issuance conditions recommended by the Hearing Examiner.

CB 120533 – Rezone Bill

CB 120275 would amend the Official Land Use Map to rezone the sites and approve and accept the executed PUDA.

Next Steps

The rezone application will be considered by the Committee for a potential recommendation to City Council on March 22. Depending on Committee action, a City Council vote would occur no earlier than March 28.

cc: Yolanda Ho, Supervising Analyst



SEATTLE CITY COUNCIL
CENTRAL STAFF

Clerk File 314470 – J. Selig Real Estate Rezone 2501 NW Market St

KETIL FREEMAN, ANALYST

LAND USE COMMITTEE

MARCH 22, 2023

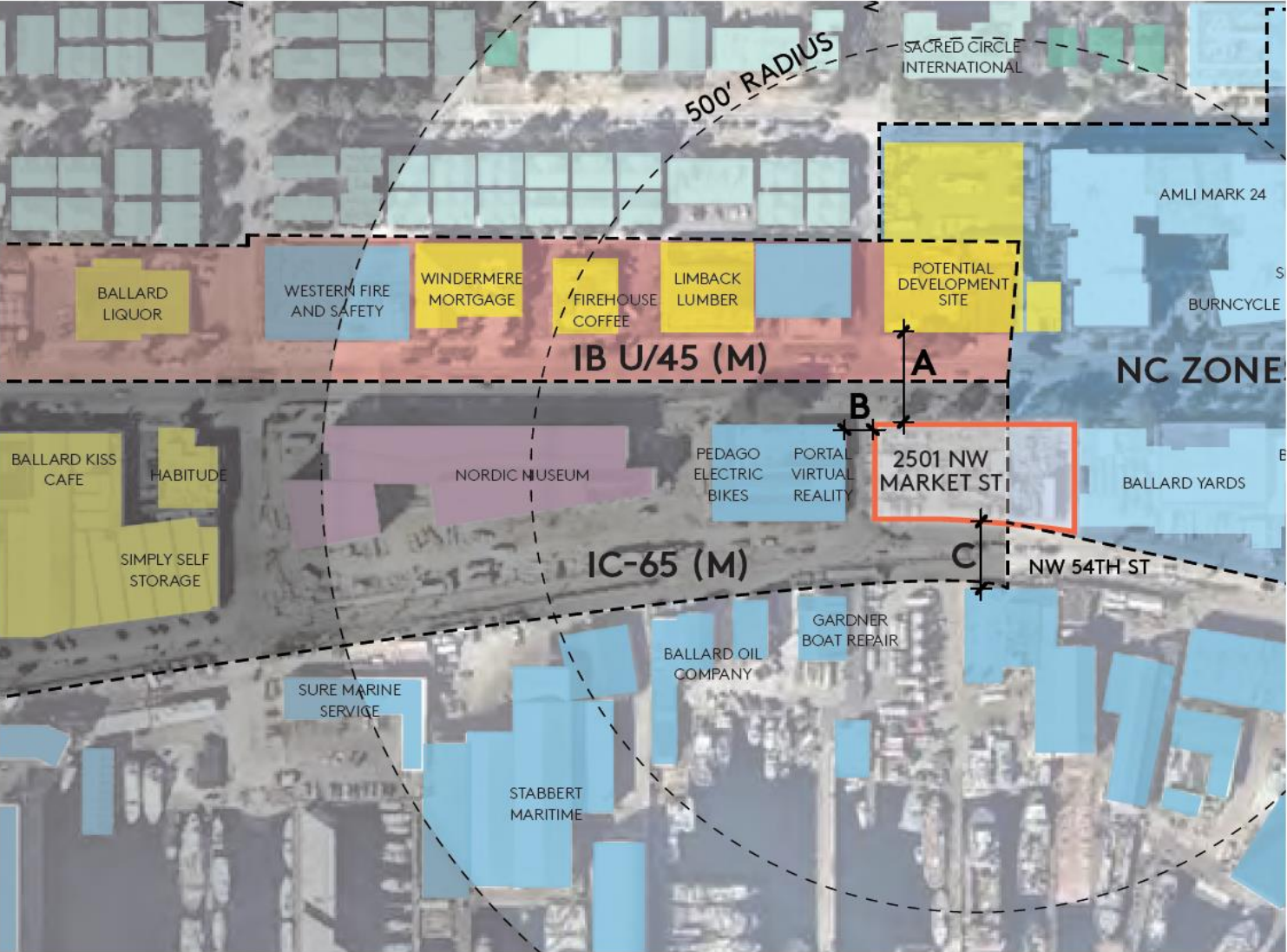
Type of Action

- Type IV - Quasi-judicial decision
- Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication
- Council decisions must be made on the record established by the Hearing Examiner

Application Details and Procedural Posture

- Proposed rezone of the western portion of a split-zoned site from Industrial Commercial with a 65-foot height limit and M Mandatory Housing Affordability (MHA) suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75-foot height limit, pedestrian designations and M MHA suffix (NC3P 75 (M))
- Overall project site area is approximately 0.5 acres
- Application includes a MUP for a 107 unit mixed-use building with 107 apartments, 3 live-work units, and retail along NW Market Street
- SDCI recommendation to conditionally approve published 1/5/23
- Public Hearing held by the Deputy Hearing Examiner on 1/31/23
- Hearing Examiner recommends conditional approval to Council on 1/8/23

Hearing
Examiner's
Exhibit 18



- A:** APPROXIMATELY 85 LINEAL FEET
B: APPROXIMATELY 17 LINEAL FEET
C: APPROXIMATELY 65 LINEAL FEET

- LEGEND**
- COMMERCIAL
 - SINGLE FAMILY RESIDENTIAL
 - MULTI-FAMILY RESIDENTIAL
 - MIXED USE
 - EDUCATIONAL
 - COMMUNITY FACILITIES
 - MANUFACTURING / INDUSTRIAL
 - RELIGIOUS
 - MUSEUM

Hearing
Examiner's
Exhibit 63



Hearing Examiner Recommended PUDA Conditions

Prior to Issuance of a Building Permit

- A. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU.

For the Life of the Project

- B. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

Next Steps

- 3/22/23 - Briefing, discussion, and possible vote
- 3/28/23 – Possible Full Council vote
 - Property Use and Development Agreement (PUDA) must be executed prior to Full Council vote

Questions?

FINDINGS, CONCLUSIONS, AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition:)	Clerk File 314470
Application of J. Selig Real Estate,)	FINDINGS, CONCLUSIONS,
LLC for a contract rezone of a portion)	AND DECISION
of a split-zoned site at 2501 NW)	
Market Street from Industrial)	
Commercial with a 65 foot height limit)	
and Mandatory Housing Affordability)	
(MHA) suffix (IC-65(M)) to)	
Neighborhood Commercial 3 with a)	
75 foot height limit, Pedestrian)	
designation and MHA suffix (NC3P-)	
75(M)) (Project No. 3037522-EG;)	
Type IV).)	

Introduction

This matter involves a petition by J. Selig Real Estate, LLC (“Applicant”) for a contract rezone for the western portion of a split-zoned site from Industrial Commercial with a 65 foot height limit and M Mandatory Housing Affordability (MHA) suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, pedestrian designations and M MHA suffix (NC3P 75 (M)).

The proposal site is approximately half an acre in size and is located in the Ballard urban village. The proposed rezone would apply to the western 15,934 square feet of the property. The application includes a Master Use Permit to redevelop the site with a mixed-use building with 107 apartment units, retail on Market Street, and three live-work units. The Applicant intends to satisfy MHA program requirements through on-site performance. Attachment A shows the area to be rezoned.

On January 5, 2023, the Seattle Department of Construction and Inspections (SDCI) issued an affirmative recommendation to conditionally approve the application. On January

31, 2023, the Deputy Hearing Examiner held an open-record public hearing on the proposed rezone. On February 8, 2023, the Deputy Hearing Examiner recommended conditional approval. That recommendation were later clarified and reissued on February 16, 2023. On March 22, 2023, the Land Use Committee of the Council reviewed the record and the recommendations by SDCI and the Hearing Examiner and recommended approval of the contract rezone to the City Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Clarified Findings and Recommendation of the Hearing Examiner dated February 16, 2023.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Clarified Findings and Recommendation of the Hearing Examiner dated February 16, 2022.

Decision

The Council hereby **GRANTS** a rezone of the property from IC 65 (M) to NC3P 75 (M), as shown in Exhibit A. The rezone is subject to the execution of Property Use and Development Agreement requiring the owners to comply with certain conditions for the life of the project. Those conditions, and additional conditions from the Clarified Hearing Examiner's recommendation, are adopted by the Council as follows:

DESIGN REVIEW

For the Life of the Project

1. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

RECOMMENDED CONDITIONS – REZONE

Prior to Issuance of a Building Permit

2. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU.
For the Life of the Project

For the Life of the Project

3. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

DEPARTMENT IMPOSED CONDITIONS – SEPA

Prior to Issuance of Master Use Permit

4. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to Issuance of Demolition, Grading, or Construction Permit

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website.

6. Provide an archaeological monitoring and discovery plan prepared by a qualified professional; the plan shall be consistent with the recommendations in the Archaeological Resource Report (Historical Research Associates, Inc., March 8, 2022) on file and include statement that the Duwamish Tribe shall be notified in the event of archaeological work.

During Construction

7. Archaeological monitoring shall occur consistent with the archaeological monitoring and discovery plan submitted in response to condition 6.

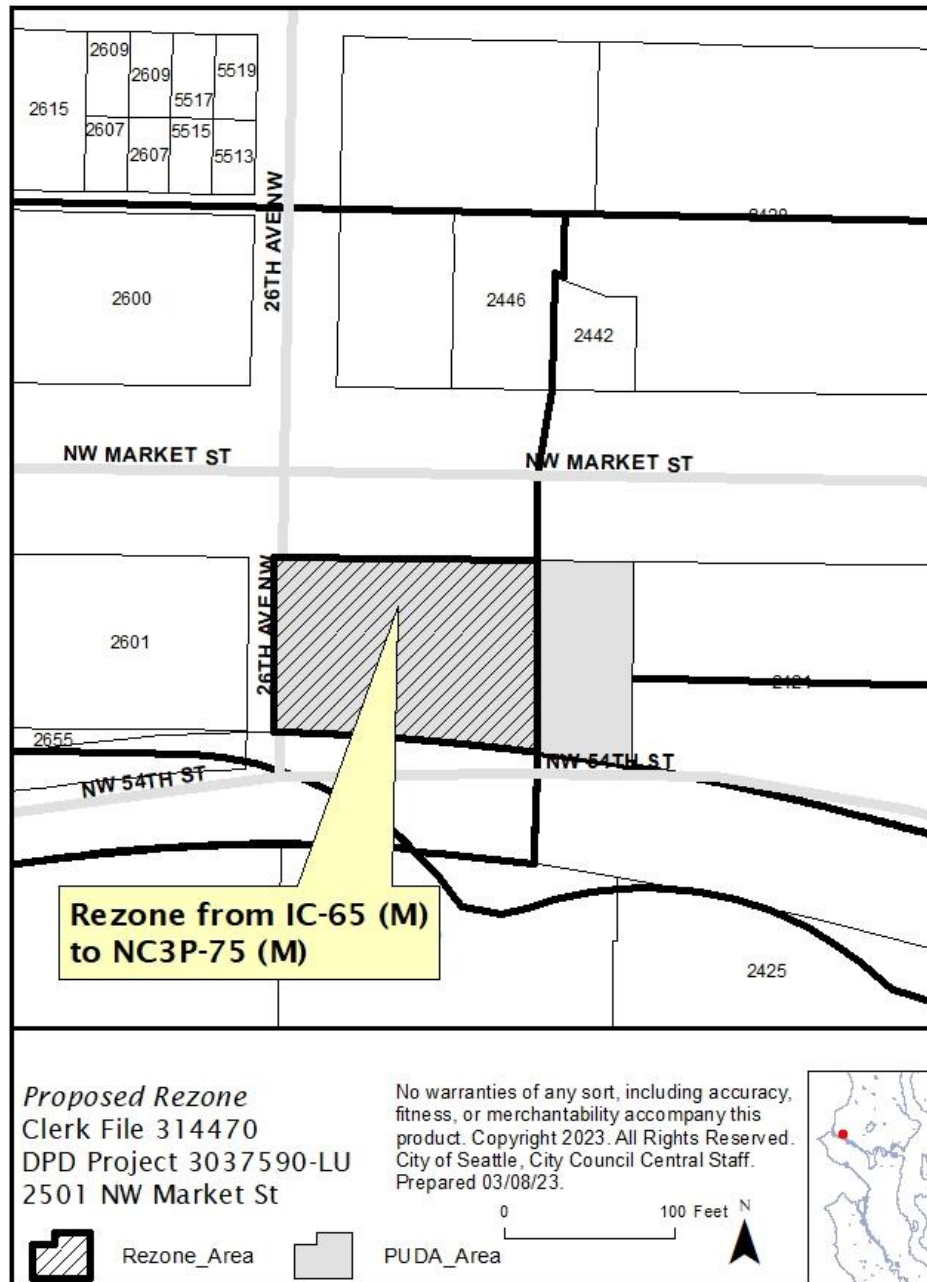
8. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- Stop work immediately and notify the SDCI Land Use Planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Dated this _____ day of _____, 2023.

City Council President

ATTACHMENT A



----- Forwarded message -----

From: **Doug Dixon** <DougD@pfishipyard.com>

Date: Sat, Jan 8, 2022, 15:39

Subject: RE: 2501 NW Market Street Rezone Support Letters

To: Tarabochia, Peter <ptarabochia@ebdg.com>, Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>, Chad See <chadsee@freezerlongline.biz>, Jamie Goen (jamie@alaskacrabbers.org) <jamie@alaskacrabbers.org>, bpaine@ucba.org <bpaine@ucba.org>
Cc: Suzie Burke <office@fremontdockco.com>, Warren Aakervik <warren@ballardoil.com>, Chris Johnson <ChrisJ@pfishipyard.com>

Eugene, Peter, Chad, Jamie and Brent:

Attached please find two support letters for the rezoning of Pacific Fishermen's split zoned vacant land. We are simply asking that our property can be made just one NC3 zone, not a zone up. It is out of the BINMIC and we believe we have addressed the concerns you outlined below in the revised MUP.

We hope as leaders of the SMBC, NSIA, FLC, ABSC and UCB you can come together and support this important development that will enable Pacific Fishermen to pay for our needed dredging and help us to shore up our Union pension plans. We don't believe our maritime industry and your vessels and businesses that we support can survive the hit of another closed shipyard.

Please write to Greg Johnson CNU-A, AICP, Senior Land Use Planner, Seattle Department of Construction and Inspections at greg.johnson@seattle.gov.

Best Regards,

Pacific Fishermen, Inc.

Doug Dixon, P.E. Corporate Secretary

Naval Architect and Marine Engineer

(206) 718-0253

5351 24th Ave NW

Seattle, WA 98107

www.PacFish150.com Purchase our Book, Jigsaw Puzzle and Deck of Cards featuring King Crab Boats

www.pacificfishermen.com

[US Corps of Engineers: Shipyards of the Government Locks](#)

[Jacques Cousteau's R/V CALYPSO in Ballard](#)

[HM King Harald V and his Norwegian American Fishing Pioneers at Pacific Fishermen Shipyard](#)

From: Tarabochia, Peter <ptarabochia@ebdg.com>
Sent: Tuesday, July 20, 2021 12:32 PM
To: Jordan Selig <seligj@me.com>
Cc: Johan Strand <johan@discoverypark.ventures>; Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Suzie Burke <office@fremontdockco.com>; Doug Dixon <DougD@PFIShipyard.com>; 'Warren Aakervik' <warren@ballardoil.com>
Subject: RE: 2501 NW Market Street Support Letter.pdf

Hello Jordan,

Appreciate your assistance with a draft letter. I would like to clarify some underlying key considerations, in order for SMBC to support this as it relates to the best interests of not just PacFish but all the maritime businesses we represent in the area.

And that is, are there safeguards in the rezoning request that will protect/preserve (1) the transportation corridors for WB-67 truck traffic to/from the industrial businesses adjacent to the subject property, and (2) the currently allowed noise generated by those same industrial businesses' operations?

Additionally, are you able to share a copy of the application for the rezoning request?

Thank you,

Peter

Peter Tarabochia
Vice President, CFO

ELLIOTT BAY DESIGN GROUP

Better to Build · Better to Operate

direct: 206.204.1302 - cell: 206.851.6509

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [Instagram](#)

From: Jordan Selig <seligi@me.com>
Sent: Tuesday, July 20, 2021 12:10 AM
To: Tarabochia, Peter <ptarabochia@ebdg.com>
Cc: Johan Strand <johan@discoverypark.ventures>; Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Suzie Burke <office@fremontdockco.com>; Doug Dixon <DougD@PFIShipyard.com>
Subject: Re: 2501 NW Market Street Support Letter.pdf

Dear Peter,

Thank you for your willingness to send a letter of support for the 2501 NW Market Street development on behalf of the Seattle Marine Business Coalition (SMBC).

We will draft a letter for you to review and edit as you so see fit. This letter will be addressed to Greg Johnson at the Seattle Department of Construction and Inspection (SDCI). He is our land use planner on this project.

Please let us know if you have any questions whatsoever. And again, thank you for the support.

By the way, you are absolutely correct that it's better for the City to hear more voices from the community, as opposed to a singular co-signed voice.

With best regards,

Jordan

Jordan Selig
J. Selig Real Estate, LLC
p: (206) 386-5203 m: (206) 295-3177 e: [seligi@me.com](mailto:seligj@me.com)

1000 Second Avenue Suite 3210, Seattle, WA 98104

On Jul 20, 2021, at 7:26 AM, Doug Dixon <DougD@PFIShipyard.com> wrote:

Thanks Peter.

The SMBC Seattle Marine Business Coalition endorsement will mean a lot to us.

I like your comment a lot:

largely borrow from your content and make it our own letter (that approach goes towards the idea that perhaps the City hearing from more voices on any one topic is better than a singular co-signed voice).

To that end, Jordon Selig and Johan Strand would be pleased to draft a first cut tailored to you organization to send.

Thanks again, Jordon will send you something to edit soon.

Doug

From: Tarabochia, Peter <ptarabochia@ebdg.com>
Sent: Monday, July 19, 2021 6:00 PM
To: Doug Dixon <DougD@PFIShipyard.com>
Cc: 'Warren Aakervik' <warren@ballardoil.com>
Subject: RE: 2501 NW Market Street Support Letter.pdf

Hi Doug,

Thanks for passing along the letter and your ask. I feel SMBC should support this one way or another – Warren, please step in if you feel otherwise and/or think we need to involve the entire Board.

I agree asking the membership base to weigh in with their own will be a longshot. But as SMBC, we could either endorse your letter (perhaps send a brief cover letter saying we endorse the attached), or largely borrow from your content and make it our own letter (that approach goes towards the idea that perhaps the City hearing from more voices on any one topic is better than a singular co-signed voice).

Peter

Peter Tarabochia
Vice President, CFO

ELLIOTT BAY DESIGN GROUP

Better to Build · Better to Operate

direct: 206.204.1302 - cell: 206.851.6509

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [Instagram](#)

-----Original Message-----

From: Doug Dixon <DougD@PFIShipyard.com>

Sent: Friday, July 16, 2021 6:51 AM

To: Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Tarabochia, Peter <ptarabochia@ebdg.com>

Cc: Warren Aakervik Jr. (warren@ballardoil.com) <warren@ballardoil.com>; Suzie Burke (office@fremontdockco.com) <office@fremontdockco.com>

Subject: 2501 NW Market Street Support Letter.pdf

Eugene and Peter, how best can we at PacFish get support for this letter from NSIA and SMBC and maybe even Warren as well, sent to the City?

Can you endorse it, or is there an other way to beg the membership individually to support it with their own letters? That seems laborious and not many are letter writers.

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Tel: 206-784-2562
Fax: 206-784-1986
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5351 24th Ave NW
Seattle, WA 98107
www.pacificfishermen.com

January 5, 2022

Greg Johnson CNU-A, AICP
Senior Land Use Planner
Seattle Department of Construction and Inspections
206-727-8736 | greg.johnson@seattle.gov

Re: 2501 NW Market Street Project & Rezone

We are a longtime Ballard heavy industrial business, founded by 400 Norwegian heritage fishermen and their wives, operating a shipyard in Seattle since 1946. As the seller of the 2501 NW Market Street property site, Pacific Fishermen, Inc., is writing to express our support for the project and the necessary request for a one level rezone match of our split-zoned property to build this project and alignment with the character and public needs of Market Street.

There have been Nordic heritage shipyards in the vicinity of this vacant lot for 150 years, since 1871, before Ballard was annexed. Unlike like our IG1 heavy industrially zoned shipyard, this vacant property is “across the tracks” in a split IC light commercial/NC3 Neighborhood Commercial zone, out of the BINMIC Ballard Interbay Northend Manufacturing Industrial Center and IG1 zoning.

This site has never been used for an industrial purpose and is located within the Ballard Urban Village, meaning the proposed use is compatible with the urban nature of the neighborhood’s central business district. We have been unable to find a suitable industrial use. It has been used as boat, car and truck storage, as there was no tenant demand for other uses. It’s size and location have never lent itself toward an industrial tenant or long-term manufacturing, maritime or industrial use. In addition, it has been mostly vacant with no tenants displaced or demand for a use that will go unmet by a change in zoning.

In addition, the sale of this property will greatly benefit the Ballard industrial community. The rezone will provide Pacific Fishermen Shipyard with much-needed funds that will restore the Shipyard to its original capacity through costly dredging along the Ship Canal. The funds may also be used to help with our Union’s underfunded pension liabilities, which forced another shipyard, FVO Fishing Vessel Owners and Marine Ways at Fishermen’s Terminal into bankruptcy.

In conclusion, we strongly support this beneficial new project and its modest rezone request. If you have any questions, please contact me at DougD@PFIShipyard.com or (206) 718-0253.

Sincerely,
Pacific Fishermen, Inc.
Pacific Fishermen Shipyard and Electric, LLC



Doug Dixon
Corporate Secretary

January 5, 2022

Re: 2501 NW Market Street Project & Rezone

Dear Greg Johnson:

As a longtime industrial business owner and neighbor adjacent to the 2501 NW Market St project, I want to express agreement that the site is not operating in a primary industrial use and is likely better suited for a non-industrial use, consistent with how other properties are redeveloping along NW Market ST and west of 24th Ave NW. This site is located within the Ballard Urban Village and the proposed use is consistent with this designation.

In addition, we appreciate that the new property owners have been in direct communication with us and we have been working together to resolve design-related access and ingress / egress concerns along NW 54th St and 26th Ave NW for Ballard Oil and its trucks.

This agreement to the project is predicated on the cooperation of SDCI and SDOT to agree to a plan that will protect the adjacent water dependent shoreline maritime industrial businesses which are a significant part of the critical mass of this important maritime economic cluster.

Thank you,

Warren Aakervik Jr.
Ballard Oil (retired)



Legislation Text

File #: CB 120533, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 53 of the Official Land Use Map to rezone the western 15,943 square feet of the parcel located at 2501 Northwest Market Street from Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, P pedestrian designation, and M Mandatory Housing Affordability Suffix (NC3P 75 (M)) and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Pacific Fishermen, Inc. C.F. 314470, SDCI Project 3037590-LU)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the western 15,943 square feet of the following legally described property commonly known as 2501 NW Market Street:

PARCEL A:

THAT PORTION OF GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 25 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

TRACT 49 OF FARMDALE HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY AND SOUTHERLY OF MARKET STREET RIGHT OF WAY.

EXCEPT THE EAST 450.00 FEET THEREOF.

PARCEL B:

A NON-EXCLUSIVE ACCESS EASEMENT OVER A PORTION OF TRACT 49, FARMDALE HOMESTEAD, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY WHICH IS 299.52 FEET WEST OF THE EAST LINE OF SAID TRACT 49 AND RUNNING

THENCE SOUTH 10°08'33" WEST 24 FEET;
THENCE NORTH 72°38'30" EAST 31.00 FEET;
THENCE NORTH 86°00'30" EAST 10.00 FEET;
THENCE SOUTH 78°19'30" EAST 70.00 FEET, MORE OR LESS, TO THE SAID SOUTHERLY
LINE OF RIGHT OF WAY;
THENCE NORTHWESTERLY ALONG SAID SOUTHERLY LINE TO THE POINT OF
BEGINNING.

Section 2. Page 53 of the Official Land Use Map, Seattle Municipal Code Section 23.32.016, is amended to rezone the western 15,943 square feet of the Property described in Section 1 of this ordinance, and shown in Exhibit A to this ordinance, from Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, P pedestrian designation, and M Mandatory Housing Affordability Suffix (NC3P 75 (M)). Approval of this rezone is conditioned upon complying with the Property Use and Development Agreement (PUDA) approved in Section 4 of this ordinance.

Section 3. The zoning designations established by Section 2 of this ordinance shall remain in effect until the Property is rezoned by subsequent Council action.

Section 4. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

Section 5. The City Clerk is authorized and directed to file the PUDA with the King County Recorder's Office; to file the original PUDA along with this ordinance at the City Clerk's Office upon return of the recorded PUDA from the King County Recorder's Office; and to deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of Construction and Inspections and to the King County Assessor's Office.

Section 6. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to Mayoral approval or disapproval, shall take effect and be in force 30 days from and after its passage and approval by the City Council.

Passed by the City Council the _____ day of _____, 2023, and signed by
me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

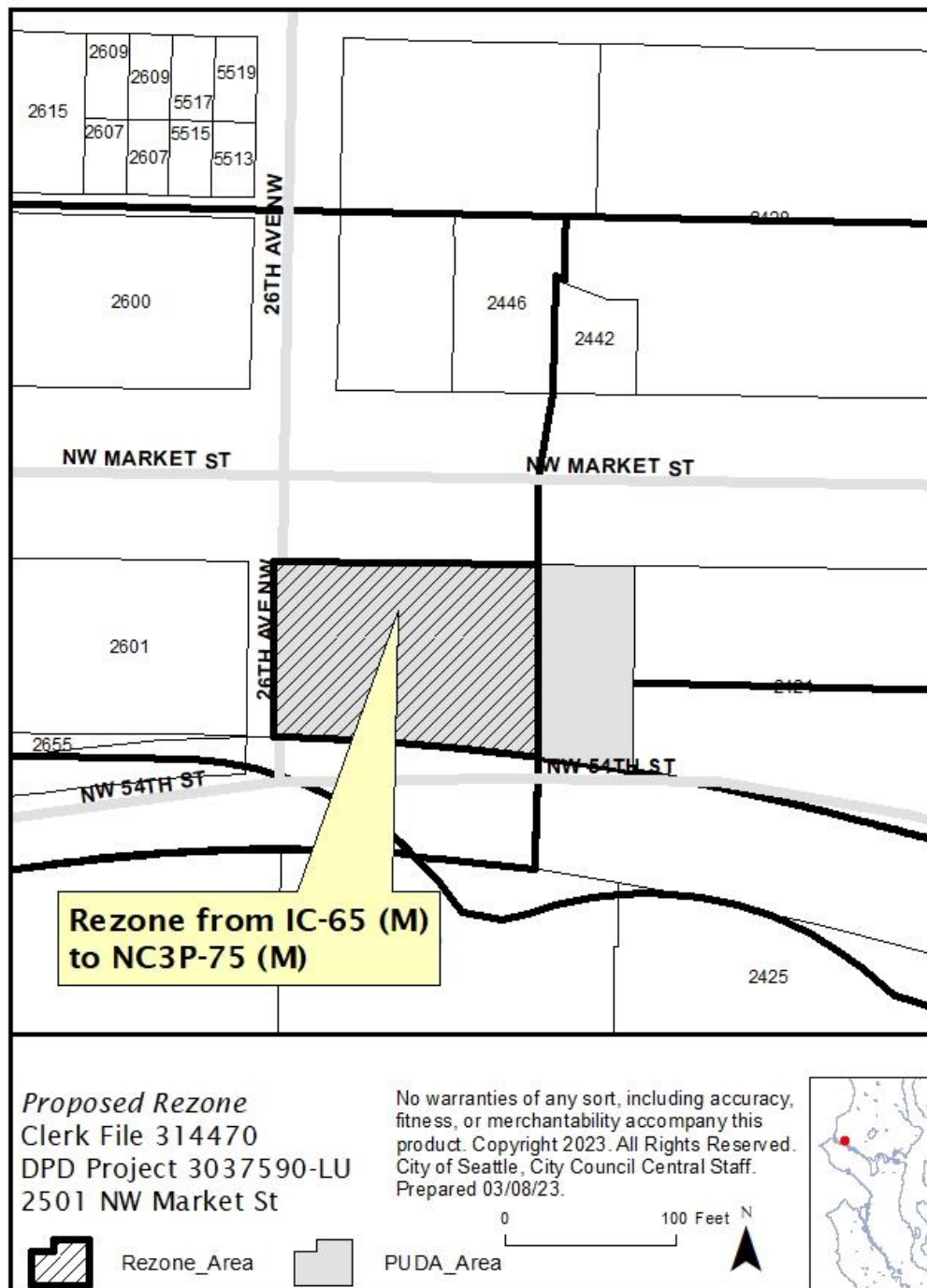
Exhibits:

Exhibit A - Rezone Map

Exhibit B - Property Use and Development Agreement for 2501 NW Market Street

Exhibit A – Rezone Map

V1



Property Use and Development Agreement

<i>When Recorded, Return to:</i>	
THE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):		Pacific Fisherman, Inc.		
Grantee:		The City of Seattle		
Legal Description <i>(abbreviated if necessary):</i>		THAT PORTION OF GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 25 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: TRACT 49 OF FARMDALE HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF THE GREAT NORTHERN		

	RAILROAD RIGHT OF WAY AND SOUTHERLY OF MARKET STREET RIGHT OF WAY. EXCEPT THE EAST 450.00 FEET THEREOF.
Assessor's Tax Parcel ID #:	112503-9037
Reference Nos. of Documents Released or Assigned:	n/a

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this ____ day of _____, 2023, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by PACIFIC FISHERMEN, INC., a Washington Corporation ("Owner").

RECITALS

A. PACIFIC FISHERMEN, INC., is the owner of that certain real property consisting of two parcels (collectively "Property") in the City of Seattle currently zoned Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) for the west 15,943 square feet and Neighborhood Commercial 3 with a 75 foot height limit P pedestrian designation and M Mandatory Housing Affordability Suffix (NC3P 75 (M)) for the east 5,892 square feet, shown in Attachment A and legally described as:

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THENCE SOUTH 78°19'30" EAST 70.00 FEET, MORE OR LESS, TO THE SAID SOUTHERLY LINE OF RIGHT OF WAY;

THENCE NORTHWESTERLY ALONG SAID SOUTHERLY LINE TO POINT OF BEGINNING.

B. In August 2021, the Owner submitted to the City an application under Project No. 3037590-LU for a rezone of the western portion of the Property from IC 65 (M) to NC3P 75 (M) (the “Rezone”).

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to “self-imposed restrictions” upon the development of the Property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section (“SMC”) 23.34.004, the Owner covenants, bargains, and agrees, on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the Rezone:

Prior to Issuance of a Building Permit

A. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU.

For the Life of the Project

B. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

Section 2. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants contained in this Agreement shall attach to and run with the land and be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owner.

Section 3. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided any amendments are approved by the City Council by ordinance.

Section 4. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 5. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to the Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 6. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if the Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

- a. Revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the previous zoning designation or some other zoning designation imposed by the City Council; and
- b. Pursue specific performance of this Agreement.

[signature and acknowledgment on following pages]

SIGNED this ____ day of ____, 2023.

PACIFIC FISHERMEN, INC., a Washington Corporation

By: ____

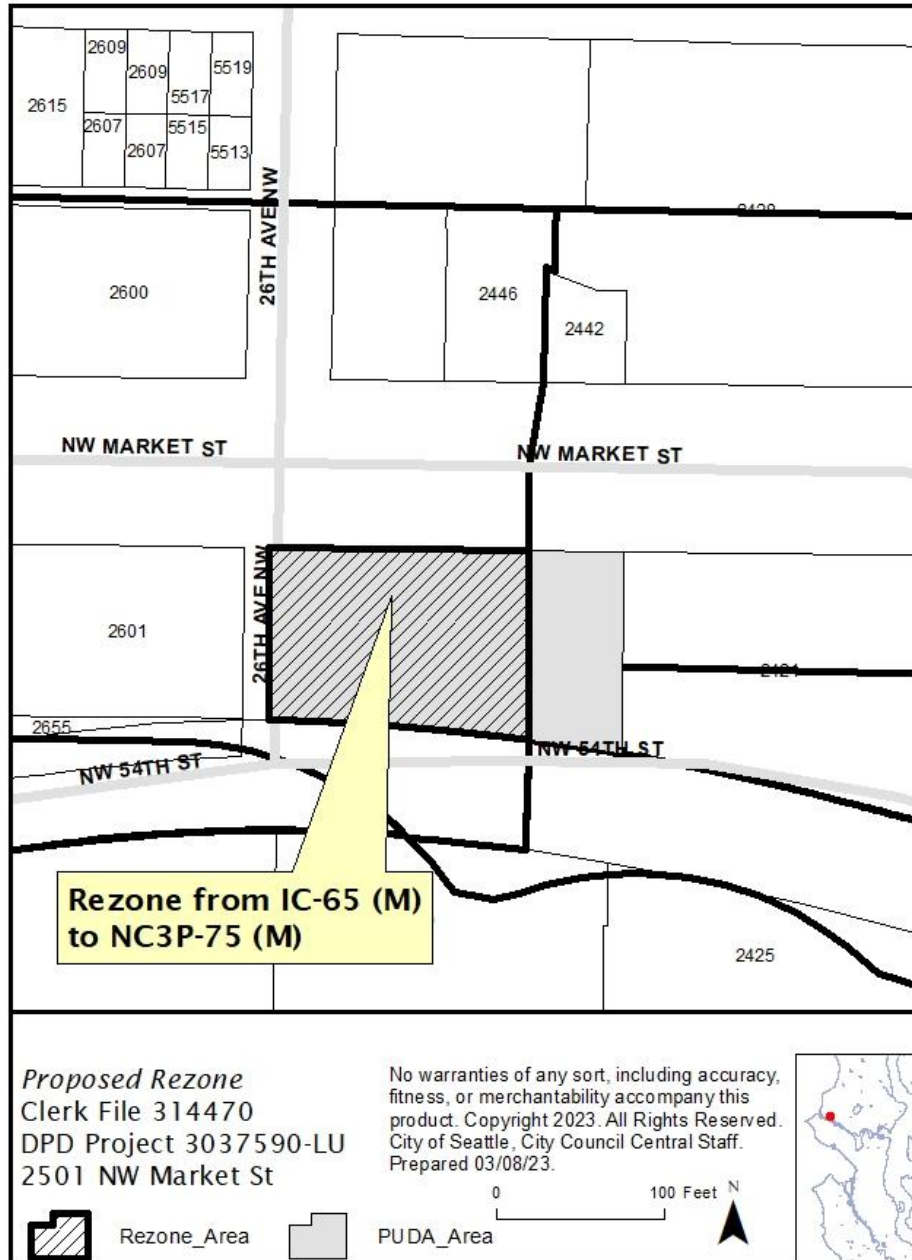
Chris Johnson
Assistant Corporate Secretary

On this day personally appeared before me ____, to me known to be the ____, of ____, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this ____ day of ____, 2023.

		Printed Name _____
		NOTARY PUBLIC in and for the State of Washington, residing at _____
		My Commission Expires _____
STATE OF WASHINGTON COUNTY OF KING	}	ss.

ATTACHMENT A



SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Ketil Freeman/206.684.8178	N/A

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 53 of the Official Land Use Map to rezone the western 15,943 square feet of the parcel located at 2501 Northwest Market Street from Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, P pedestrian designation, and M Mandatory Housing Affordability Suffix (NC3P 75 (M)) and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Pacific Fishermen, Inc. C.F. 314470, SDCI Project 3037590-LU)

Summary and Background of the Legislation:

This bill rezones the westerly 15,943 square feet of a parcel located at 2501 NW Market St. and accepts a property use and development agreement limiting future development on the parcel. The rezone will facilitate development of a mixed-use project with 107 apartment units, here live-work units, and retail along NW Market St.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

None

Are there financial costs or other impacts of *not* implementing the legislation?

No

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?

No.

- b. Is a public hearing required for this legislation?

The Seattle Hearing Examiner held an open record public hearing on January 31, 2023.

- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

- d. Does this legislation affect a piece of property?

Yes, see Exhibit A to the bill.

- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The project will include affordable housing units meeting the requirements of the Mandatory Housing Affordability program.

- f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Mixed-use development without car parking in transit-rich environments, such as the Ballard hub urban village, is likely to result in fewer carbon emissions than a similar number of housing units in a more auto-dependent location.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

Not applicable

Summary Attachments: None

----- Forwarded message -----

From: **Doug Dixon** <DougD@pfishipyard.com>

Date: Sat, Jan 8, 2022, 15:39

Subject: RE: 2501 NW Market Street Rezone Support Letters

To: Tarabochia, Peter <ptarabochia@ebdg.com>, Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>, Chad See <chadsee@freezerlongline.biz>, Jamie Goen (jamie@alaskacrabbers.org) <jamie@alaskacrabbers.org>, bpaine@ucba.org <bpaine@ucba.org>
Cc: Suzie Burke <office@fremontdockco.com>, Warren Aakervik <warren@ballardoil.com>, Chris Johnson <ChrisJ@pfishipyard.com>

Eugene, Peter, Chad, Jamie and Brent:

Attached please find two support letters for the rezoning of Pacific Fishermen's split zoned vacant land. We are simply asking that our property can be made just one NC3 zone, not a zone up. It is out of the BINMIC and we believe we have addressed the concerns you outlined below in the revised MUP.

We hope as leaders of the SMBC, NSIA, FLC, ABSC and UCB you can come together and support this important development that will enable Pacific Fishermen to pay for our needed dredging and help us to shore up our Union pension plans. We don't believe our maritime industry and your vessels and businesses that we support can survive the hit of another closed shipyard.

Please write to Greg Johnson CNU-A, AICP, Senior Land Use Planner, Seattle Department of Construction and Inspections at greg.johnson@seattle.gov.

Best Regards,

Pacific Fishermen, Inc.

Doug Dixon, P.E. Corporate Secretary

Naval Architect and Marine Engineer

(206) 718-0253

5351 24th Ave NW

Seattle, WA 98107

www.PacFish150.com Purchase our Book, Jigsaw Puzzle and Deck of Cards featuring King Crab Boats

www.pacificfishermen.com

[US Corps of Engineers: Shipyards of the Government Locks](#)

[Jacques Cousteau's R/V CALYPSO in Ballard](#)

[HM King Harald V and his Norwegian American Fishing Pioneers at Pacific Fishermen Shipyard](#)

From: Tarabochia, Peter <ptarabochia@ebdg.com>
Sent: Tuesday, July 20, 2021 12:32 PM
To: Jordan Selig <seligj@me.com>
Cc: Johan Strand <johan@discoverypark.ventures>; Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Suzie Burke <office@fremontdockco.com>; Doug Dixon <DougD@PFIShipyard.com>; 'Warren Aakervik' <warren@ballardoil.com>
Subject: RE: 2501 NW Market Street Support Letter.pdf

Hello Jordan,

Appreciate your assistance with a draft letter. I would like to clarify some underlying key considerations, in order for SMBC to support this as it relates to the best interests of not just PacFish but all the maritime businesses we represent in the area.

And that is, are there safeguards in the rezoning request that will protect/preserve (1) the transportation corridors for WB-67 truck traffic to/from the industrial businesses adjacent to the subject property, and (2) the currently allowed noise generated by those same industrial businesses' operations?

Additionally, are you able to share a copy of the application for the rezoning request?

Thank you,

Peter

Peter Tarabochia
Vice President, CFO

ELLIOTT BAY DESIGN GROUP

Better to Build · Better to Operate

direct: 206.204.1302 - cell: 206.851.6509

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [Instagram](#)

From: Jordan Selig <seligi@me.com>
Sent: Tuesday, July 20, 2021 12:10 AM
To: Tarabochia, Peter <ptarabochia@ebdg.com>
Cc: Johan Strand <johan@discoverypark.ventures>; Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Suzie Burke <office@fremontdockco.com>; Doug Dixon <DougD@PFIShipyard.com>
Subject: Re: 2501 NW Market Street Support Letter.pdf

Dear Peter,

Thank you for your willingness to send a letter of support for the 2501 NW Market Street development on behalf of the Seattle Marine Business Coalition (SMBC).

We will draft a letter for you to review and edit as you so see fit. This letter will be addressed to Greg Johnson at the Seattle Department of Construction and Inspection (SDCI). He is our land use planner on this project.

Please let us know if you have any questions whatsoever. And again, thank you for the support.

By the way, you are absolutely correct that it's better for the City to hear more voices from the community, as opposed to a singular co-signed voice.

With best regards,

Jordan

Jordan Selig
J. Selig Real Estate, LLC
p: (206) 386-5203 m: (206) 295-3177 e: seligi@me.com

1000 Second Avenue Suite 3210, Seattle, WA 98104

On Jul 20, 2021, at 7:26 AM, Doug Dixon <DougD@PFIShipyard.com> wrote:

Thanks Peter.

The SMBC Seattle Marine Business Coalition endorsement will mean a lot to us.

I like your comment a lot:

largely borrow from your content and make it our own letter (that approach goes towards the idea that perhaps the City hearing from more voices on any one topic is better than a singular co-signed voice).

To that end, Jordon Selig and Johan Strand would be pleased to draft a first cut tailored to you organization to send.

Thanks again, Jordon will send you something to edit soon.

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-----Original Message-----

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Sent: Friday, July 16, 2021 6:51 AM

To: Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Tarabochia, Peter <ptarabochia@ebdg.com>

Cc: Warren Aakervik Jr. (warren@ballardoil.com) <warren@ballardoil.com>; Suzie Burke (office@fremontdockco.com) <office@fremontdockco.com>

Subject: 2501 NW Market Street Support Letter.pdf

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Doug

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Tel: 206-784-2562
Fax: 206-784-1986
DougD@PFIShipyard.com

5351 24th Ave NW
Seattle, WA 98107
www.pacificfishermen.com

January 5, 2022

Greg Johnson CNU-A, AICP
Senior Land Use Planner
Seattle Department of Construction and Inspections
206-727-8736 | greg.johnson@seattle.gov

Re: 2501 NW Market Street Project & Rezone

We are a longtime Ballard heavy industrial business, founded by 400 Norwegian heritage fishermen and their wives, operating a shipyard in Seattle since 1946. As the seller of the 2501 NW Market Street property site, Pacific Fishermen, Inc., is writing to express our support for the project and the necessary request for a one level rezone match of our split-zoned property to build this project and alignment with the character and public needs of Market Street.

There have been Nordic heritage shipyards in the vicinity of this vacant lot for 150 years, since 1871, before Ballard was annexed. Unlike like our IG1 heavy industrially zoned shipyard, this vacant property is “across the tracks” in a split IC light commercial/NC3 Neighborhood Commercial zone, out of the BINMIC Ballard Interbay Northend Manufacturing Industrial Center and IG1 zoning.

This site has never been used for an industrial purpose and is located within the Ballard Urban Village, meaning the proposed use is compatible with the urban nature of the neighborhood’s central business district. We have been unable to find a suitable industrial use. It has been used as boat, car and truck storage, as there was no tenant demand for other uses. It’s size and location have never lent itself toward an industrial tenant or long-term manufacturing, maritime or industrial use. In addition, it has been mostly vacant with no tenants displaced or demand for a use that will go unmet by a change in zoning.

In addition, the sale of this property will greatly benefit the Ballard industrial community. The rezone will provide Pacific Fishermen Shipyard with much-needed funds that will restore the Shipyard to its original capacity through costly dredging along the Ship Canal. The funds may also be used to help with our Union’s underfunded pension liabilities, which forced another shipyard, FVO Fishing Vessel Owners and Marine Ways at Fishermen’s Terminal into bankruptcy.

In conclusion, we strongly support this beneficial new project and its modest rezone request. If you have any questions, please contact me at DougD@PFIShipyard.com or (206) 718-0253.

Sincerely,
Pacific Fishermen, Inc.
Pacific Fishermen Shipyard and Electric, LLC



Doug Dixon
Corporate Secretary

January 5, 2022

Re: 2501 NW Market Street Project & Rezone

Dear Greg Johnson:

As a longtime industrial business owner and neighbor adjacent to the 2501 NW Market St project, I want to express agreement that the site is not operating in a primary industrial use and is likely better suited for a non-industrial use, consistent with how other properties are redeveloping along NW Market ST and west of 24th Ave NW. This site is located within the Ballard Urban Village and the proposed use is consistent with this designation.

In addition, we appreciate that the new property owners have been in direct communication with us and we have been working together to resolve design-related access and ingress / egress concerns along NW 54th St and 26th Ave NW for Ballard Oil and its trucks.

This agreement to the project is predicated on the cooperation of SDCI and SDOT to agree to a plan that will protect the adjacent water dependent shoreline maritime industrial businesses which are a significant part of the critical mass of this important maritime economic cluster.

Thank you,

Warren Aakervik Jr.
Ballard Oil (retired)



Legislation Text

File #: CB 120534, **Version:** 1

AN ORDINANCE relating to tree protection; balancing the need for housing production and increasing tree protections; and amending Sections 23.44.020, 23.47A.016, 23.48.055, 23.76.004, 23.76.006, and Chapter 25.11 of the Seattle Municipal Code.

The Full Text is provided as an attachment.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to tree protection; balancing the need for housing production and increasing tree protections; and amending Sections 23.44.020, 23.47A.016, 23.48.055, 23.76.004, 23.76.006, and Chapter 25.11 of the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.020 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.020 Tree requirements

* * *

C. Street tree requirements ((~~in RSL zones~~))

1. Street trees are required ((~~in RSL zones~~)) for development that would add one or more principal dwelling units on a lot, except as provided in subsection ((~~23.43.020.C.2~~)) 23.44.020.C.2 and Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation approves their removal. The Director, in consultation with the Director of Transportation, shall determine the number, type, and placement of additional street trees to be provided in order to:

- a. Improve public safety;
- b. Promote compatibility with existing street trees;
- c. Match trees to the available space in the planting strip;
- d. Maintain and expand the urban forest canopy;
- e. Encourage healthy growth through appropriate spacing;
- f. Protect utilities; and

g. Allow access to the street, buildings, and lot.

2. Exceptions to street tree requirements

a. If a lot borders an unopened right-of-way, the Director may reduce or waive the street tree requirement along that right-of-way as a Type I decision if, after consultation with the Director of Transportation, the Director determines that the right-of-way is unlikely to be opened or improved.

b. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot setback shall be planted with street trees along the street lot line that abuts the required front yard, or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of the Seattle Department of Transportation. If, according to the Director of the Department of Transportation, a 5-foot setback or landscaped planting strip is not feasible, the Director may reduce or waive this requirement as a Type I decision.

* * *

Section 2. Section 23.47A.016 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.47A.016 Landscaping and screening standards

* * *

B. Street tree requirements

1. Street trees are required when any development is proposed, except as provided in subsection 23.47A.016.B.2 and Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation approves their removal. The Director, in consultation with the Director of Transportation, will determine the number, type, and placement of street trees to be provided to:

- a. ~~((to improve))~~ Improve public safety;
- b. ~~((to promote))~~ Promote compatibility with existing street trees;
- c. ~~((to match))~~ Match trees to the available space in the planting strip;
- d. ~~((to maintain))~~ Maintain and expand the urban forest canopy;
- e. ~~((to encourage))~~ Encourage healthy growth through appropriate spacing;
- f. ~~((to protect))~~ Protect utilities; and
- g. ~~((to allow))~~ Allow access to the street, buildings, and lot.

2. Exceptions to street tree requirements

a. If a lot borders an unopened right-of-way, the Director may reduce or waive the street tree requirement along that street if, after consultation with the Director of Transportation, the Director determines that the street is unlikely to be opened or improved.

b. Street trees are not required for any of the following:

1) ~~((establishing, constructing or modifying))~~ Modifying principal single-family dwelling units, except as provided in subsection 23.47A.016.B.3; or

2) ~~((changing))~~ Changing a use, or establishing a temporary use or intermittent use; or

3) ~~((expanding))~~ Expanding a structure by 1,000 square feet or less; or

4) ~~((expanding))~~ Expanding surface area parking by less than ten percent in area and less than ten percent in number of spaces.

3. When an existing structure is proposed to be expanded by more than 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet of

1 additional structure, up to the maximum number of trees that would be required for new
2 construction.

3 4. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot
4 setback shall be planted with street trees along the street property line or landscaping other than
5 trees shall be provided in the planting strip, subject to approval by the Director of Transportation.
6 If, according to the Director of Transportation, a 5-foot setback or landscaped planting strip is
7 not feasible, the Director of the Seattle Department of Construction and Inspections may reduce
8 or waive this requirement.

9 * * *

10 Section 3. Section 23.48.055 of the Seattle Municipal Code, last amended by Ordinance
11 125792, is amended as follows:

12 **23.48.055 Landscaping and screening standards**

13 * * *

14 **D. Street trees requirements**

15 1. Street trees are required when any development is proposed, except as provided
16 in subsection 23.48.055.D.2 and Section 23.53.015. Existing street trees shall be retained unless
17 the Director of Transportation approves their removal. The Director, in consultation with the
18 Director of Transportation, will determine the number, type, and placement of street trees to be
19 provided to:

- 20 a. ((~~To improve~~)) Improve public safety;
21 b. ((~~To promote~~)) Promote compatibility with existing street trees;
22 c. ((~~To match~~)) Match trees to the available space in the planting strip;
23 d. ((~~To maintain~~)) Maintain and expand the urban forest canopy;

e. ~~((To encourage))~~ Encourage healthy growth through appropriate spacing;

f. ~~((To protect))~~ Protect utilities; and

g. ~~((To allow))~~ Allow access to the street, buildings, and lot.

2. Exceptions to street tree requirements((:))

a. If a lot borders an unopened right-of-way, the Director may reduce or waive the street tree requirement along that street if, after consultation with the Director of Transportation, the Director determines that the street is unlikely to be opened or improved.

b. Street trees are not required for any of the following:

1) ~~((Establishing, constructing, or modifying))~~ Modifying principal single-family dwelling units, except as provided in subsection 23.48.055.D.3;

2) Changing a use, or establishing a temporary use or intermittent use;

3) Expanding a structure by 1,000 square feet or less; or

4) Expanding surface area parking by less than ten percent in area and less than ten percent in number of spaces.

3. When an existing structure is proposed to be expanded by more than 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet of additional structure, up to the maximum number of trees that would be required for new construction.

4. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot setback shall be planted with street trees along the street property line or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of Transportation.

1 If, according to the Director of Transportation, a 5-foot setback or landscaped planting strip is
2 not feasible, the Director may reduce or waive this requirement.

3 Section 4. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance
4 126685, is amended as follows:

5 **23.76.004 Land use decision framework**

6 A. Land use decisions are classified into five categories. Procedures for the five different
7 categories are distinguished according to who makes the decision, the type and amount of public
8 notice required, and whether appeal opportunities are provided. Land use decisions are generally
9 categorized by type in Table A for 23.76.004.

10 B. Type I and II decisions are made by the Director and are consolidated in Master Use
11 Permits. Type I decisions are decisions made by the Director that are not appealable to the
12 Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are
13 subject to an administrative open record appeal hearing to the Hearing Examiner; provided that
14 Type II decisions enumerated in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f,
15 and 23.76.006.C.2.g, and SEPA decisions integrated with them as set forth in subsection
16 23.76.006.C.2.o, shall be made by the Council when associated with a Council land use decision
17 and are not subject to administrative appeal. Type III decisions are made by the Hearing
18 Examiner after conducting an open record hearing and not subject to administrative appeal. Type
19 I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

20 * * *

**Table A for 23.76.004
LAND USE DECISION FRAMEWORK¹**

Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
* * *	
*	Building height increase for minor communication utilities in downtown zones
*	<u>Application of tree provisions pursuant to Chapter 25.11</u>
*	Other Type I decisions that are identified as such in the Land Use Code
* * *	
Footnotes for Table A for 23.76.004 ¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types. ² Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020. ³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.	

Section 5. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II, and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction;

3. The following street use approvals:

a. Curb cut for access to parking, whether associated with a development proposal or not;

b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

c. Structural building overhangs associated with a development proposal;

d. Areaways associated with a development proposal;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

a. Plazas;

b. Shopping plazas;

c. Arcades;

d. Shopping arcades; and

e. Voluntary building setbacks;

6. Determinations of Significance (determination that an Environmental Impact Statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;

8. Waiver or modification of required right-of-way improvements;

- 1 9. Reasonable accommodation;
- 2 10. Minor amendment to Major Phased Development Permit;
- 3 11. Streamlined design review decisions pursuant to Section 23.41.018 if no
- 4 development standard departures are requested pursuant to Section 23.41.012, and design review
- 5 decisions in an MPC zone if no development standard departures are requested pursuant to
- 6 Section 23.41.012;
- 7 12. Shoreline special use approvals that are not part of a shoreline substantial
- 8 development permit;
- 9 13. Determination that a project is consistent with a planned action ordinance,
- 10 except as provided in subsection 23.76.006.C;
- 11 14. Decision to approve, condition, or deny, based on SEPA policies, a permit for
- 12 a project determined to be consistent with a planned action ordinance;
- 13 15. Determination of requirements according to subsections 23.58B.025.A.3.a,
- 14 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and
- 15 23.58C.030.A.2.c;
- 16 16. Decision to increase the maximum height of a structure in the DOC2 500/300-
- 17 550 zone according to subsection 23.49.008.F;
- 18 17. Decision to increase the maximum FAR of a structure in the DOC2 500/300-
- 19 550 zone according to subsection 23.49.011.A.2.n;
- 20 18. Minor revisions to an issued and unexpired MUP that was subject to design
- 21 review, pursuant to subsection 23.41.008.G;
- 22 19. Building height departures for minor communication facilities in downtown
- 23 zones, pursuant to Section 23.57.013; ((and))

20. Application of tree provisions pursuant to Chapter 25.11; and

21. Other Type I decisions.

* * *

Section 6. The following sections of Chapter 25.11 of the Seattle Municipal Code are recodified:

25.11.020 (Definitions) to 25.11.130

25.11.030 (Exemptions) to 25.11.020

25.11.100 (Enforcement and penalties) to 25.11.120

25.11.095 (Tree service provider registration) to 25.11.100

Section 7. Chapter 25.11 of the Seattle Municipal Code, last amended by Ordinance 126777, is amended as follows:

25.11.010 Purpose and intent ((:))

~~((It is the))~~ The purpose and intent of this ~~((chapter))~~ Chapter 25.11 is to:

A. Implement the goals and policies of Seattle's Comprehensive Plan, especially those in the Environment Element dealing with protection of the urban forest while balancing other citywide priorities such as housing production;

B. ~~((To preserve))~~ Preserve and enhance the City's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees;

C. ~~((To protect))~~ Protect trees on undeveloped sites that are not undergoing development by not allowing tree removal except in hazardous situations, to prevent premature loss of trees so their retention may be considered during the development review and approval process;

1 D. ~~((To reward))~~ Facilitate tree protection efforts by granting flexibility for certain
2 development standards, and ~~((to))~~ promote site planning and horticultural practices that are
3 consistent with the reasonable use of property;

4 E. ~~((To especially protect exceptional))~~ Protect Tier 2 trees and other trees that because of
5 their unique historical, ecological, or aesthetic value constitute an important community
6 resource~~((; to))~~ , and require flexibility in design to protect ~~((exceptional))~~ these trees;

7 F. ~~((To provide))~~ Provide the option of modifying development standards to protect
8 ~~((trees over two (2) feet in diameter in the same manner that modification of development~~
9 ~~standards is required for exceptional))~~ Tier 2 trees;

10 G. ~~((To encourage))~~ Encourage retention of trees ~~((over six (6) inches in diameter))~~
11 through the design review and other processes for larger projects, through education concerning
12 the value of retaining existing trees, and by not permitting their removal on undeveloped land
13 prior to development permit review~~((;))~~; and

14 H. Support the goals and policies of the City of Seattle Urban Forest Management Plan,
15 specifically those related to existing Citywide policies that commit the City to realize its vision
16 of racial equity and environmental justice.

17 **25.11.020 Exemptions**

18 The following trees and tree activities are exempt from the provisions of this Chapter 25.11:

19 A. Normal pruning and maintenance;

20 B. Emergency ~~((activities necessary to remedy an immediate threat to public health,~~
21 ~~safety, or welfare))~~ actions pursuant to Section 25.11.030, except that tree service providers
22 conducting commercial tree work on these trees must comply with Section 25.11.100;

C. Tree removal undertaken as part of tree and vegetation management and revegetation of public parkland and open spaces by responsible public agencies or departments;

~~D. ((Tree removal approved as part of an Environmentally Critical Area tree and vegetation plan as provided in Section 25.09.070, except that commercial tree work must comply with the requirements of Section 25.11.095;))~~ Trees located within an Environmentally Critical Area, except that tree service providers conducting commercial tree work on these trees must comply with the tree service provider registry requirements of Section 25.11.100;

~~((F. Tree removal shown as part of an issued building or grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080, except that commercial tree work must comply with the requirements of Section 25.11.095;~~

~~G.)) ((Removal of street trees as))~~ F. Trees regulated by Title 15; ((and

~~H. Additions to existing structures, shown as part of an issued building or grading permit as provided in Sections 25.11.060, 25.11.070 and 25.11.080.))~~

E. Tree removal, off-site replanting outside the boundaries of the MPC-YT zone, and payment in lieu of replanting undertaken as part of redevelopment that meets the planned action ordinance within the MPC-YT zone for Yesler Terrace pursuant to Section 23.75.160, except that tree service providers conducting commercial tree work on these trees must comply with the tree service provider registry requirements of Section 25.11.100;

F. Replanting and payment in lieu of replanting undertaken as part of development by permanent supportive housing providers meeting the definition in Section 23.84A.032;

G. Tree removal or commercial tree work as approved by the Director prior to removal in accordance with a recommendation from a certified arborist for an insect and/or pest infestation that does not meet a high risk hazard, except that tree service providers conducting commercial

tree work on these trees must comply with the tree service provider registry requirements of Section 25.11.100 and the replacement requirements of Section 25.11.090; and

H. Tree removal or commercial tree work to comply with the Americans with Disabilities Act; except that tree service providers conducting commercial tree work on these trees must comply with the tree service provider registry requirements of Section 25.11.100.

25.11.030 Emergency actions

Emergency actions may be undertaken without obtaining a permit in advance from the Seattle Department of Construction and Inspections. Prior to an emergency action, a registered tree service provider must determine if there is an extreme risk of imminent failure for the tree or tree part using the TRAQ method in its most current form. Any person undertaking an emergency action must complete the following:

A. Notify the Director via email or through the Seattle Department of Construction and Inspections' website before beginning the emergency action;

B. Submit a hazardous tree removal application to the Seattle Department of Construction and Inspections within ten calendar days of the emergency action; otherwise, the responsible party may be subject to enforcement including fines and penalties in accordance with Section 25.11.120; and

C. Include all documentation of tree status, including the TRAQ report and photographs as part of the retroactive permit submission.

((25.11.040 Restrictions on tree removal

A. Tree removal or topping is prohibited in the following cases, except as provided in Section 25.11.030, or where the tree removal is required for the construction of a new structure,

~~retaining wall, rockery, or other similar improvement that is approved as part of an issued building or grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080:~~

~~1. All trees 6 inches or greater in diameter, measured 4.5 feet above the ground, on undeveloped lots;~~

~~2. Exceptional trees on undeveloped lots; and~~

~~3. Exceptional trees on lots in Lowrise, Midrise, commercial, and neighborhood residential zones.~~

~~B. Limits on Tree Removal. In addition to the prohibitions in subsection 25.11.040.A, no more than three trees 6 inches or greater in diameter, measured 4.5 feet above the ground, may be removed in any one year period on lots in Lowrise, Midrise, commercial, and neighborhood residential zones, except when the tree removal is required for the construction of a new structure, retaining wall, rockery, or other similar improvement that is approved as part of an issued building or grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080.~~

~~C. Tree removal in Environmentally Critical Areas shall comply with the provisions of Section 25.09.070.))~~

25.11.040 Hazardous tree removal

A. For any tree regulated pursuant to this Section 25.11.040, approval from the Seattle Department of Construction and Inspections is required in advance of hazardous tree removal unless it is an emergency action pursuant to Section 25.11.030.

B. Trees subject to the provisions of this Chapter 25.11 may be removed as hazardous, if those trees are rated by a registered tree service provider as an Extreme or High Risk hazard. according to the following:

1 1. A tree risk assessment, prepared by a registered tree service provider, assesses
2 the risk of the tree(s) as one of the following:

3 a. Extreme Risk. This category applies to trees in which failure is
4 imminent and there is a high likelihood of impacting a target, and the consequences of the failure
5 are severe.

6 b. High Risk. This category applies to trees in which consequences are
7 significant and likelihood is very likely or likely, or when consequences are severe and
8 likelihood is likely.

9 c. Moderate Risk. This category applies to trees in which consequences
10 are minor and likelihood is very likely or likely, or when likelihood is somewhat likely and the
11 consequences are significant or severe.

12 d. Low Risk. This category applies to trees in which consequences are
13 negligible and likelihood is unlikely; or when consequences are minor and likelihood is
14 somewhat likely;

15 2. A potential target includes permanent structures or an area of moderate to high
16 use;

17 3. If a potential target does not exist, applicants may be limited to routine pruning
18 and maintenance to mitigate hazards;

19 4. Assessment of Extreme and High Risk trees:

20 a. If a tree is assessed as a High Risk, then the Director may authorize
21 hazard pruning to mitigate the risk rather than removing the entire tree; or

1 b. If the tree is assessed as an Extreme or High Risk and mitigation of the
2 risk through pruning or moving of potential targets is not feasible, then the Director may
3 designate the tree as a hazardous tree and allow complete removal; and

4 5. The assessment of other risk categories applicable to regulated trees shall be at
5 the discretion of the Director.

6 C. Tier 1, Tier 2, and Tier 3 trees must be replaced pursuant to Section 25.11.090 when
7 approved for removal as hazardous.

8 ~~((25.11.050 General Provisions for exceptional tree determination and tree protection area~~
9 ~~delineation in Neighborhood Residential, Lowrise, Midrise, and Commercial zones.~~

10 ~~A. Exceptional trees and potential exceptional trees shall be identified on site plans and~~
11 ~~exceptional tree status shall be determined by the Director according to standards promulgated~~
12 ~~by the Seattle Department of Construction and Inspections.~~

13 ~~B. Tree protection areas for exceptional trees shall be identified on site plans. Applicants~~
14 ~~seeking development standard waivers to protect other trees greater than 2 feet in diameter~~
15 ~~measured 4.5 feet above the ground shall also indicate tree protection areas on site plans. The~~
16 ~~basic tree protection area shall be the area within the drip line of the tree. The tree protection area~~
17 ~~may be reduced if approved by the Director according to a plan prepared by a registered tree~~
18 ~~service provider. Such reduction shall be limited to 1/3 of the area within the outer half of the~~
19 ~~area within the drip line. In no case shall the reduction occur within the inner root zone. In~~
20 ~~addition, the Director may establish conditions for protecting the tree during construction within~~
21 ~~the feeder root zone. (See Exhibit 25.11.050 B.)~~

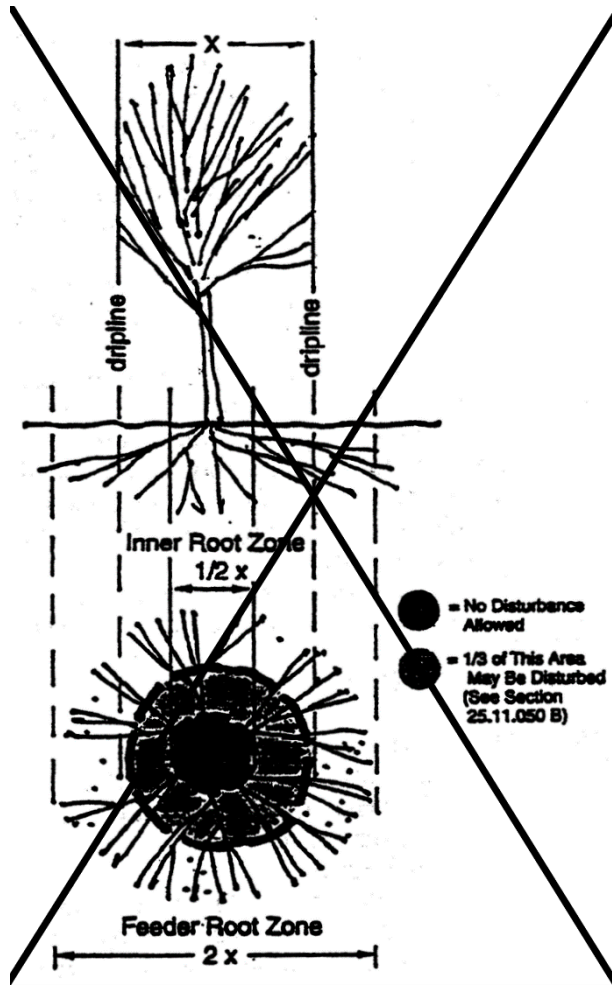


Exhibit 25.11.050B

C. If development standards have been modified according to the provisions of this Chapter 25.11 to avoid development within a designated tree protection area, that area shall remain undeveloped for the remainder of the life of the building, and a permanent covenant stating this requirement shall be recorded in the King County Recorder's Office.

D. The Director may require a tree protection report by a registered tree service provider who provides the following information:

1. Tree evaluation with respect to its general health, damage, danger of falling, proximity to existing or proposed structures, and/or utility services;

~~2. Evaluation of the anticipated effects of proposed construction on the viability of the tree;~~

~~3. A hazardous tree assessment, if applicable;~~

~~4. Plans for supervising and/or monitoring implementation of any required tree protection or replacement measures; and~~

~~5. Plans for conducting post-construction site inspection and evaluation.~~

~~E. The Director may condition Master Use Permits or Building Permits to include measures to protect trees(s) during construction, including within the feeder root zone.))~~

25.11.050 General provisions for regulated tree categories

A. The removal or topping of the following trees is prohibited, except as provided in Section 25.11.020 and as performed in accordance with Sections 25.11.030 and 25.11.040:

1. When no development is proposed, Tier 1, Tier 2, Tier 3, and Tier 4 trees on undeveloped lots in all zones;

2. When no development is proposed, Tier 1, Tier 2, Tier 3, and Tier 4 trees on developed lots in all zones, except as allowed in subsection 25.11.050.B;

3. When development is proposed, in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones:

a. Tier 1 trees may not be removed unless in emergency situations or unless they are hazardous as provided in Sections 25.11.030 and 25.11.040;

b. Tier 2 trees may not be removed except as permitted under Sections 25.11.070 and 25.11.080; and

c. Tier 3 and Tier 4 trees may be removed as part of a development permit.

B. When no development is proposed, no more than two Tier 4 trees may be removed in any three-year period on developed lots in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones, and no more than three Tier 3 and Tier 4 trees may be removed on developed lots in any one-year period in all other zones.

C. Relocated and required replacement trees included in an approved plan set may not be removed, unless removal is approved by a future permit.

Table A for 25.11.050

Tree related activities on developed lots including but not limited to removal and topping by tree category

<u>Tree category</u>	<u>Not part of a permit application¹</u>	<u>During development – Part of a permit application</u>
<u>Tier 1</u> <u>Includes trees designated as heritage trees</u>	<u>May not be removed unless deemed hazardous or in need of emergency action with documentation required</u>	<u>May not be removed unless deemed hazardous or in need of emergency action with documentation required</u>
<u>Tier 2</u> <u>Includes trees 24 inches at DSH or greater, tree groves, and specific tree species as provided by Director's Rule</u>	<u>May not be removed unless deemed hazardous or in need of emergency action with documentation required</u>	<u>Approval for removal is part of overall development permit</u> <u>Documentation required for hazardous and emergency actions</u>
<u>Tier 3</u> <u>Includes trees 12 inches at DSH or greater but less than 24 inches at DSH that are not considered Tier 2 trees as provided by Director's Rule</u>	<u>May not be removed unless deemed hazardous or in need of emergency action with documentation required, except as provided in subsections 25.11.050.B and 25.11.050.C</u>	<u>Approval for removal is part of overall development permit</u> <u>Documentation required for hazardous and emergency actions</u>
<u>Tier 4</u> <u>Includes trees 6 inches at DSH but</u>	<u>May not be removed unless deemed hazardous or in need of emergency action with documentation required, except as</u>	<u>Approval for removal is part of overall development permit</u>

<u>less than 12 inches at DSH</u>	<u>provided in subsections 25.11.050.B and 25.11.050.C</u>	
<u>Other trees (under 6 inches DSH)</u>	<u>Not regulated, except as provided in subsection 25.11.050.C</u>	<u>Not regulated, except as provided in subsection 25.11.050.C</u>
Footnote to Table A for 25.11.050 ¹ For standards related to undeveloped lots, see subsection 25.11.050.A.		

~~((25.11.060 Tree protection on sites undergoing development in neighborhood residential zones~~

~~A. Exceptional trees~~

~~1. The Director may permit a tree to be removed only if:~~

~~a. The maximum lot coverage permitted on the site according to Title 23 cannot be achieved without extending into the tree protection area or into a required front and/or rear yard to an extent greater than provided for in subsection 25.11.060A.2; or~~

~~b. Avoiding development in the tree protection area would result in a portion of the house being less than 15 feet in width.~~

~~2. Permitted extension into front or rear yards shall be limited to an area equal to the amount of the tree protection area not located within required yards. The maximum projection into the required front or rear yard shall be 50 percent of the yard requirement.~~

~~3. If the maximum lot coverage permitted on the site can be achieved without extending into either the tree protection area or required front and/or rear yards, then no such extension into required yards shall be permitted.~~

~~B. Trees over 2 feet in diameter measured 4.5 feet above the ground shall be identified on site plans. In order to protect such trees, an applicant may modify their development proposal to~~

~~extend into front and/or rear yards in the same manner as provided for exceptional trees in subsection 25.11.060.A.))~~

25.11.060 Requirements for trees when development is proposed

A. Tree protection area

1. A tree protection area is required for all existing Tier 1, Tier 2, and Tier 3 trees that are not removed during development, as well as any tree relocated offsite if on private property or any tree planted onsite as part of required mitigation pursuant to this Chapter 25.11.

2. The tree protection area for Tier 1, Tier 2, and Tier 3 trees shall be determined by the Director pursuant to this subsection 25.11.060.A and any rules promulgated by the Director.

3. The tree protection area may be modified from the basic tree protection area based on species tolerance; expected impacts of construction activities; tree size, age, and health; and soil conditions not to exceed the area of the feeder root zone. The Director may require Master Use Permits or building permits to include measures to protect tree(s) during construction, including within the feeder root zone.

4. The tree protection area may be reduced by the Director pursuant to the provisions of Title 23 and this Chapter 25.11, as follows:

a. Any new encroachment into the tree protection area may not be closer than one half of the tree protection radius. Existing encroachments closer than one half of the tree protection radius may remain or be replaced if no appreciable damage to the tree will result.

b. The tree protection area shall not be reduced more than 35 percent unless an alternative tree protection area or construction method will provide equal or greater

1 tree protection and result in long-term retention and viability of the tree as determined by a
2 certified arborist.

3 c. Existing encroachments do not count toward the reduction.

4 d. The tree protection area may be temporarily reduced in size during a
5 specific construction activity that is not likely to cause appreciable damage to the tree.

6 Appropriate mitigation measures shall be implemented per ANSI A300 standards or their
7 successor, and the tree protection area shall be returned to its permanent size after the specific
8 construction activity is complete.

9 5. The tree protection area is required to include fencing, signage, and other safety
10 requirements as required in the Seattle Department of Construction and Inspections Tree and
11 Vegetation Protection Detail.

12 B. Site plan requirements

13 1. Tier 1, Tier 2, Tier 3, and Tier 4 trees are required to be documented on all plan
14 review sheets within a plan set submitted for a Master Use Permit or building permit.

15 2. Tree protection areas as determined by subsection 25.11.060.A for all Tier 1,
16 Tier 2, and Tier 3 trees are required to be identified on site plans. Tree protection fencing and
17 signage are required to be shown on all plan review sheets within a plan set submitted for a
18 Master Use Permit or building permit.

19 3. Any development standard modifications pursuant to the provisions of Title 23
20 and this Chapter 25.11 to avoid development within a designated tree protection area are
21 required to be identified on site plans.

22 4. Site plans that include modifications to development standards pursuant to the
23 provisions of Title 23 and this Chapter 25.11 to avoid development within a designated tree

1 protection area are required to be reviewed and approved by a certified arborist to determine that
2 the development shown would protect applicable trees.

3 5. Site plans are required to include any existing tree and its tree protection area,
4 if applicable, that is documented by the Seattle Department of Construction and Inspections to be
5 retained by a previous Master Use Permit or building permit.

6 C. The Director may require a tree protection report prepared by a certified arborist to
7 confirm accuracy of the tree protection area. The report must use ANSI A300 standards or their
8 successor and be prepared by a certified arborist. Tree protection evaluation and requirements
9 may include but are not limited to the following:

10 1. A tree evaluation with respect to its size, age, general health, damage, danger of
11 falling, species tolerance to construction impacts, location of structural roots, existing soil
12 conditions, proximity to existing or proposed structures, extent of proposed grade changes (e.g.,
13 soil cut and fill), and/or utility services;

14 2. An evaluation of the anticipated effects of proposed construction on the
15 viability of the tree;

16 3. A hazardous tree risk assessment, if applicable;

17 4. A plan that documents required tree protection or tree replacement measures
18 including payment in lieu pursuant to Section 25.11.110;

19 5. A plan that describes post-construction site inspection and evaluation measures;

20 6. A certified arborist's description of the method(s) selected to determine the tree
21 protection area. Methodologies may include exploratory root excavations for individual trees
22 together with a case-by-case description; and

1 7. The life expectancy of regulated trees shall be determined by the Director
2 pursuant to this subsection 25.11.060.C and any rules promulgated by the Director. The Director
3 shall determine the likelihood that a tree will live to maturity due to factors including but not
4 limited to:

- 5 a. Health and physical condition;
6 b. Development site constraints such as proximity to existing or proposed
7 development, access and utilities, soil conditions, and exposure to sunlight; and
8 c. Environmental conditions external to the development site such as the
9 likely occurrence of a disease or an insect infestation, a landslide, or presence of a high water
10 table.

11 D. Trees protected by covenant

12 1. A covenant shall be required prior to the issuance of any permit or approval
13 that includes modification to development standards to avoid development within a designated
14 tree protection area for the following trees:

- 15 a. Tier 1 trees that are not determined to be hazardous or in need of
16 emergency action;
17 b. Tier 2 trees that are not removed pursuant to Sections 25.11.070 or
18 25.11.080; and
19 c. Tier 3 trees that are not proposed to be removed.

20 2. A covenant shall describe the required tree protection areas, include a survey, if
21 one has been prepared, and include documentation that acknowledges that development is
22 prohibited on and within any of the tree protection areas, including any disturbance of the tree
23 protection area that is inconsistent with the provisions of this Chapter 25.11.

1 3. Required covenants shall run with the land and shall be recorded in the King
2 County Recorder's Office for the remainder of the life of the building or for the remainder of the
3 life of the tree.

4 ~~((25.11.070 Tree protection on sites undergoing development in Lowrise zones~~

5 ~~The provisions in this Section 25.11.070 apply in Lowrise zones.~~

6 A. ~~Exceptional trees~~

7 1. ~~If the Director determines that an exceptional tree is located on the lot of a~~
8 ~~proposed development, which is not a major institution use within a Major Institution Overlay~~
9 ~~zone, and the tree is not proposed to be preserved, the development shall go through streamlined~~
10 ~~design review as provided in Section 23.41.018 if the project falls below the thresholds for~~
11 ~~design review established in Section 23.41.004.~~

12 2. ~~The Director may permit the exceptional tree to be removed only if the total~~
13 ~~floor area that could be achieved within the maximum permitted FAR and height limits of the~~
14 ~~applicable Lowrise zone according to Title 23 cannot be achieved while avoiding the tree~~
15 ~~protection area through the following:~~

16 a. ~~Development standard adjustments permitted in Section 23.41.018 or~~
17 ~~the departures permitted in Section 23.41.012.~~

18 b. ~~An increase in the permitted height as follows under subsection~~
19 ~~25.11.070.A.3.~~

20 3. ~~In order to preserve an exceptional tree, the following code modifications are~~
21 ~~allowed:~~

22 a. ~~Permitted height. For a principal structure with a base height limit of 40~~
23 ~~feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may~~

1 ~~permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50~~
2 ~~feet if the increase is needed to accommodate, on an additional story, the amount of floor area~~
3 ~~lost by avoiding development within the tree protection area and the amount of floor area on the~~
4 ~~additional story is limited to the amount of floor area lost by avoiding development within the~~
5 ~~tree protection area.~~

6 ~~b. Parking reduction. A reduction in the parking quantity required by~~
7 ~~Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an~~
8 ~~exceptional tree if the reduction would result in a project that would avoid the tree protection~~
9 ~~area.~~

10 ~~4. If the Director determines that an exceptional tree is located within a Major~~
11 ~~Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow~~
12 ~~removal of an exceptional tree only if:~~

13 ~~a. The proposed development is for a major institution use identified in an~~
14 ~~adopted Major Institution Master Plan; and~~

15 ~~b. The location of an exceptional tree is such that planned future physical~~
16 ~~development identified in an adopted Major Institution Master Plan cannot be sited while~~
17 ~~avoiding the tree protection area; and~~

18 ~~c. Mitigation for exceptional trees and trees over 2 feet in diameter,~~
19 ~~measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are~~
20 ~~removed in association with development.~~

21 ~~B. Trees over 2 feet in diameter~~

22 ~~1. Trees over 2 feet in diameter, measured 4.5 feet above the ground shall be~~
23 ~~identified on site plans.~~

~~2. In order to protect trees over 2 feet in diameter, an applicant may request and the Director may allow modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.070.A.))~~

25.11.070 Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones

A. Neighborhood Residential zones

1. Tier 2 trees may be removed only if:

a. The maximum lot coverage permitted on the site pursuant to Title 23 cannot be achieved without extending into the basic tree protection area more than is allowed pursuant to Section 25.11.060 or into a required front and/or rear yard to an extent greater than provided for in subsection 25.11.070.A.2;

b. Avoiding development in the basic tree protection area including reductions to the tree protection area allowed by subsection 25.11.060.A would result in a portion of a dwelling unit being less than 15 feet in width; or

c. Tree removal is necessary for the construction of new structures, vehicle and pedestrian access, utilities, retaining wall, or other similar improvements associated with development.

2. Permitted extension into front or rear yards shall be limited to an area equal to the amount of the basic tree protection area not located within required yards. The maximum projection into the required front or rear yard shall be 50 percent of the yard requirement.

3. If the maximum lot coverage permitted on the site can be achieved without extending into either the basic tree protection area or required front and/or rear yards, then no such extension into required yards shall be permitted.

1 4. For the purposes of this subsection 25.11.070.A, a lot coverage calculation
2 shall not include any portion of a parcel containing a biodiversity area or corridor, riparian
3 corridor, priority habitat, priority area setback, wetland, wetland buffer, or steep slope erosion
4 hazard area, unless the Director has approved critical areas reduction, waiver, or modification
5 pursuant to Chapter 25.09.

6 B. Lowrise, Midrise, commercial and Seattle Mixed zones.

7 1. Tier 2 trees may be removed if an otherwise allowable development area of 85
8 percent cannot be achieved without extending into the basic tree protection area more than
9 allowed pursuant to subsection 25.11.060.A, as follows:

10 a. Calculate the basic tree protection area on the lot.
11 b. Subtract the basic tree protection area and the area of any portions of
12 the lot between a property line and basic tree protection area when the portion of the lot is 15 feet
13 or less measured from a lot line to a basic tree protection area from the lot area. If this number is
14 less than 85 percent of the total lot area, Tier 2 trees may be removed.

15 c. When multiple Tier 2 trees are located on a lot, the minimum number of
16 trees needed to reach 85 percent may be removed based on the evaluation required by subsection
17 25.11.060.C.

18 d. When the tree protection area of an off-site Tier 2 tree is located on the
19 lot, this area may be included in accordance with subsection 25.11.070.B.

20 e. For the purposes of this subsection 25.11.070.B, allowable development
21 area shall not include any portion of a parcel containing a biodiversity area or corridor, riparian
22 corridor, priority habitat, priority area setback, wetland, wetland buffer, or steep slope erosion

1 hazard area, unless the Director has approved a critical area reduction, waiver, or modification
2 pursuant to Chapter 25.09.

3 2. If an applicant chooses to retain Tier 2 trees that would otherwise be allowed to
4 be removed under subsection 25.11.070.B.1, modifications to development standards are allowed
5 as follows:

6 a. For development not subject to design review, the following Type I
7 modifications to standards:

8 1) Setbacks and separation requirements, if applicable, may be
9 reduced by a maximum of 50 percent;

10 2) Amenity areas may be reduced by a maximum of ten percent;

11 3) Landscaping and screening may be reduced by a maximum of
12 25 percent; and

13 4) Structure width, structure depth, and facade length limits, if
14 applicable, may be increased by a maximum of ten percent.

15 b. For development subject to design review, the departures permitted in
16 Section 23.41.012.

17 c. Parking reduction. A reduction in the parking quantity required by
18 Section 23.54.015 and the modification of standards for safe access of any required parking of
19 Section 23.54.030 may be permitted in order to protect a Tier 2 tree, if the reduction would result
20 in a project that would avoid the tree protection area.

21 d. In Lowrise zones, for a principal structure with a base height limit of 40
22 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may
23 permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50

1 feet if the increase is needed to accommodate, on an additional story, the amount of floor area
2 lost by avoiding development within the tree protection area and the amount of floor area on the
3 additional story is limited to the amount of floor area lost by avoiding development within the
4 tree protection area.

5 3. Tree removal required for development to achieve the allowable development
6 area according to subsection 25.11.070.B.1 or height limits of the applicable zone includes, but is
7 not limited to, the construction of new structures, vehicles and pedestrian access, utilities,
8 retaining wall, or other similar improvement.

9 ~~((25.11.080 Tree protection on sites undergoing development in Midrise and Commercial~~
10 ~~zones~~

11 ~~The provisions in this Section 25.11.080 apply in Midrise and Commercial zones.~~

12 ~~A. Exceptional trees~~

13 ~~1. If the Director determines that an exceptional tree is located on the lot of a~~
14 ~~proposed development, which is not a major institution use within a Major Institution Overlay~~
15 ~~zone, and the tree is not proposed to be preserved, the project shall go through streamlined~~
16 ~~design review as provided in Section 23.41.018 if the project falls below the thresholds for~~
17 ~~design review established in Section 23.41.004.~~

18 ~~2. The Director may permit an exceptional tree to be removed only if the~~
19 ~~applicant demonstrates that protecting the tree by avoiding development in the tree protection~~
20 ~~area could not be achieved through the development standard adjustments permitted in Section~~
21 ~~23.41.018 or the departures permitted in Section 23.41.012, the modifications allowed by this~~
22 ~~Section 25.11.080, a reduction in the parking requirements of Section 23.54.015, or a reduction~~
23 ~~in the standards of Section 23.54.030.~~

~~3. If the Director determines that an exceptional tree is located within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow removal of an exceptional tree only if:~~

~~a. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and~~

~~b. The location of an exceptional tree is such that planned future physical development identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree protection area; and~~

~~c. Mitigation for exceptional trees and trees over 2 feet in diameter, measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are removed in association with development.~~

~~B. Trees over 2 feet in diameter measured~~

~~1. Trees over 2 feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.~~

~~2. In order to protect trees over 2 feet in diameter, an applicant may request and the Director may allow modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.080.A.))~~

25.11.080 Tree protection on sites in Major Institution Overlay Districts

A. Except as otherwise provided in subsection 25.11.080.B, if the Director determines that a Tier 2 tree is located within a Major Institution Overlay District, and the tree is not proposed to be preserved, the Director may allow removal of a Tier 2 tree only if:

1. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and

1 2. The location of a Tier 2 tree is such that planned future physical development
2 identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree
3 protection area; and

4 3. Mitigation for Tier 2 trees is provided pursuant to this Chapter 25.11.

5 B. To the extent a provision of a Major Institution Master Plan approved pursuant to
6 Chapter 23.69 is inconsistent with subsection 25.11.080.A, the Major Institution Master Plan
7 provision shall control application of this Chapter 25.11 within the Major Institution Overlay
8 District.

9 **25.11.090 Tree replacement, maintenance, and site restoration**

10 A. ~~((Each exceptional tree and tree over 2 feet in diameter that is))~~ In all zones, Tier 1,
11 Tier 2, and Tier 3 trees removed in association with development or because they are hazardous
12 or are infested by insects or pests ((in all zones)) shall be replaced by one or more new trees, the
13 size and species of which shall be determined by the Director; the tree replacement required shall
14 be designed to result, upon maturity, in a canopy cover that is ((at least equal)) roughly
15 proportional to the canopy cover prior to tree removal. ((Preference shall be given to on-site
16 replacement. When on-site replacement cannot be achieved, or is not appropriate as determined
17 by the Director, preference for off-site replacement shall be on public property.)) When off-site
18 replacement is proposed, preference for the location shall be on public property.

19 ~~((B. No tree replacement is required if the tree is (1) hazardous, dead, diseased, injured,~~
20 ~~or in a declining condition with no reasonable assurance of regaining vigor as determined by a~~
21 ~~registered tree service provider; or (2) proposed to be relocated to another suitable planting site~~
22 ~~as approved by the Director.))~~

1 B. For each relocated or required replacement tree, maintenance and monitoring is
2 required for a five-year period. The period begins when the replacement tree is planted.

3 Maintenance and monitoring shall include the following:

4 1. Sufficient maintenance actions to ensure survival of the replacement tree:

5 a. When more than one replacement tree is required, 80 percent survival of
6 new trees planted at the end of five years;

7 b. When one replacement tree is required, 100 percent survival of the new
8 tree planted at the end of five years;

9 2. Replacement and replanting of failed trees; and

10 3. Photographic documentation of planting success retained for the five-year
11 period. Submission of documentation to the Seattle Department of Construction and Inspections
12 is not required unless requested by the Department.

13 **25.11.100 Tree service provider registration**

14 A. Applicability

15 1. This Section 25.11.100 establishes a public registration system for tree service
16 providers operating within Seattle.

17 2. ~~((Within 120 days of May 5, 2022, the Director shall establish a tree service~~
18 ~~provider registration application process and public registry. Starting November 10, 2022, after~~
19 ~~the Director has established the application process and public registry, no))~~ No tree service
20 provider may conduct commercial tree work unless ~~((it is listed))~~ registered on the City's tree
21 service provider public registry. The Director may promulgate rules as needed to support
22 administration of the application process and public registry.

23 3. Any commercial tree work must be done by a registered tree service provider.

4. This Section 25.11.100 does not regulate commercial tree work under the jurisdiction and oversight of the Department of Transportation, the Seattle Parks and Recreation Department, the Department of Finance and Administrative Services, Seattle Public Utilities, or the City Light Department.

B. Tree service provider registration required. A tree service provider must be registered by the Director before it may conduct commercial tree work unless otherwise provided in subsection 25.11.100.A. A tree service provider registration shall be valid for one year from the date of issuance. The Director shall publish a registry of registered tree service providers on a City web page available to the public. Registered tree service providers are required to renew their registration annually. Annual registration renewals shall require submittal to the Director of documentation of continued compliance with this Chapter 25.11, provided that renewal may be denied pursuant to any rules administering this Section 25.11.100 or as provided in Section 25.11.120. A tree service provider registration shall be issued by the Director to each applicant meeting the following requirements:

1. Possesses a current and valid Seattle business license;
2. Has at least one employee or a person on retainer who is a currently credentialed International Society of Arboriculture (ISA) certified arborist trained and knowledgeable to conduct work in compliance with ~~((American National Standards Institute (ANSI) Standard A-300))~~ ANSI A300 standards or ~~((its))~~ their successor ~~((standard))~~;
3. Acknowledges in writing knowledge of City codes applicable to commercial tree work;

4. Is not currently under suspension from registration under Section 25.11.120 and does not have any outstanding fines or penalties related to commercial tree work activities owed to The City of Seattle;

5. Possesses a current and valid Washington State contractor registration under chapter 18.27 RCW; and

6. Possesses a current certificate of insurance with an amount of insurance coverage determined by the Director.

C. Tree service provider activities

1. Unless it is an emergency action pursuant to Section ((25.11.020)) 25.11.030, a registered tree service provider shall comply with the following public notice requirements prior to conducting commercial tree work that involves reportable work or removal of any tree 6 inches or greater ((DBH)) DSH:

a. The registered tree service provider shall provide the Director with the following information:

1) A brief description of the commercial tree work the registered tree service provider will be conducting that identifies whether the tree meets the City's definition of ((exceptional)) a Tier 2 tree;

2) The tree service provider's registration number; and

3) The permit number, if a permit is required. If no permit is required, the tree service provider shall indicate that no permit is required.

b. The Director shall provide the public notice information required by subsection 25.11.100.C.1.a to the public on a City web page at least three business days in advance of reportable work and at least six business days in advance of removal of any tree 6

1 inches or greater (~~(DBH)~~) DSH. By March 31, 2024, the web page shall provide the information
2 through an online mapping tool.

3 c. While a registered tree service provider is conducting commercial tree
4 work subject to public notice required by subsection 25.11.100.C.1.a, the tree service provider
5 shall post the public notice in a safe location at or adjacent to the commercial tree work site in a
6 manner clearly visible from the public right-of-way. The posted public notice should remain in
7 place for five days after the work has been completed.

8 2. A registered tree service provider is responsible for complying with best
9 practices applicable to the particular commercial tree work for which they are retained,
10 including:

11 a. Determination of the commercial tree work needed to justify removal or
12 pruning outside (~~(of the routine pruning operations)~~) normal pruning and maintenance in order to
13 meet the objectives of the hiring entity; and

14 b. Maintaining adequate supervisory control over workers conducting
15 commercial tree work under their direct supervision.

16 3. If a registered tree service provider is proposing to remove a tree based on it
17 being a hazardous tree the following requirements apply:

18 a. The registered tree service provider applying or preparing the report
19 required by subsection 25.11.100.C.3.b for the hazardous tree removal permit must either have
20 an employee or a person on retainer who is currently credentialed with an ISA Tree Risk
21 Assessment Qualification;

22 b. The registered tree service provider must submit documents as required
23 by the Director, including a brief report that summarizes the factors contributing to the tree's risk

rating. This report should include information on the overall health of the tree, the dimensions and structure of the tree, and analysis of potential targets should it or major parts of it fall. When deemed necessary by the Director, the report should also include analysis of tissue samples to confirm disease or other issues concerning whether the tree poses a hazard to property or human safety;

c. If the tree does not meet the City's definition of ~~((exceptional))~~ a Tier 2 tree, the registered tree service provider that prepares the report required by subsection 25.11.100.C.3.b for the hazardous tree removal permit application may also perform the removal of the tree; and

d. If the tree meets the City's definition of ~~((exceptional))~~ a Tier 2 tree, the Director may require that the registered tree service provider or hiring entity shall engage another registered tree service provider to independently assess the tree and prepare the report required by subsection 25.11.100.C.3.b. The registered tree service provider that independently assesses the tree and prepares the report must be different from the registered tree service provider that will perform the removal of the tree.

4. Commercial vehicles used by the registered tree service provider shall (1) clearly display the tree service provider's City-issued registration number and (2) have the name of the business to which the vehicle is registered and the business's phone number or email address permanently displayed on the left, right, and rear (where applicable) sides in letters no less than 2 inches in height.

25.11.110 Off-site planting and voluntary payment in lieu

If tree removal is approved by the Director, the applicant may elect to make a voluntary payment in lieu of tree replacement on-site as specified in this Section 25.11.110.

1 A. A combination of planting trees on site, planting trees off-site and/or payment in lieu
2 is allowed, provided that the combination is consistent with the provisions of this Chapter 25.11
3 and the results shall be equivalent to or greater than the minimum requirements for on-site tree
4 plantings.

5 B. All payments shall be paid to the Seattle Department of Construction and Inspections
6 before the issuance of a permit authorizing removal of trees pursuant to this Chapter 25.11.

7 C. Payments shall be calculated pursuant to a rule promulgated by the Director.

8 **25.11.120 Enforcement and penalties**

9 A. Authority

10 1. The Director ~~((shall have))~~ has authority to enforce the provisions of this
11 Chapter 25.11, ~~((to))~~ issue permits, impose conditions and establish penalties for violations of
12 applicable law or rules by ~~((registered tree service providers,))~~ the responsible party, establish
13 administrative procedures and guidelines, conduct inspections, and prepare the forms and publish
14 Director's Rules that may be necessary to carry out the purposes of this Chapter 25.11.

15 2. The Director shall remove a registered tree service provider from the public
16 registry for a period of one year after that registered tree service provider has been issued two
17 notices of violation. Following the one-year removal period, the tree service provider may
18 submit an application to be added to the public registry.

19 B. Violation. It ~~((shall be))~~ is a violation of this ~~((chapter))~~ Chapter 25.11 for any person,
20 firm, or corporation to remove, clear, or take any action detrimental to trees contrary to or in
21 violation of any provision of this ~~((chapter))~~ Chapter 25.11. It ~~((shall be))~~ is a violation of this
22 ~~((chapter))~~ Chapter 25.11 for any person, firm, or corporation to knowingly aid and abet,

counsel, encourage, hire, commend, induce, or otherwise procure another to violate or fail to comply with this ~~((chapter))~~ Chapter 25.11.

C. Notice of ~~((Violation-))~~ violation

1. Issuance. The Director is authorized to issue a ~~((Notice of Violation))~~ notice of violation to a responsible party, whenever the Director determines that a violation of this ~~((subtitle))~~ Chapter 25.11 has occurred or is occurring. The ~~((Notice of Violation))~~ notice of violation shall be considered an order of the Director.

2. Contents~~((:))~~

a. The ~~((Notice of Violation))~~ notice of violation shall include ~~((the following information))~~:

i. A description of the violation and the action necessary to correct it;

ii. The date of the notice; and

iii. A deadline by which the action necessary to correct the violation must be completed.

b. A ~~((Notice of Violation))~~ notice of violation may be amended at any time to correct clerical errors, add citations of authority, or modify the description of the violation(s) or the required corrective action.

3. Service. The Director shall serve the notice upon a responsible party either by personal service or by first class mail to the party's last known address. ~~((If the address of the responsible party is unknown and cannot be found after a reasonable search, the notice may be served by posting a copy of the notice at a conspicuous place on the property. Alternatively, if))~~
If the whereabouts of the responsible party ~~((is))~~ are unknown and cannot be ascertained in the

exercise of reasonable diligence, and the Director makes an affidavit to that effect, then service may be accomplished by publishing the notice once each week for two consecutive weeks in the City official newspaper and by posting a copy of the notice at a conspicuous place on the property.

4. Nothing in this ~~((subtitle))~~ Chapter 25.11 shall be deemed to obligate or require the Director to issue a ~~((Notice of Violation))~~ notice of violation or order prior to the initiation of enforcement action by the City Attorney's Office ~~((pursuant to SMC 22.808.030.E))~~ in Municipal Court.

D. ~~((Stop work Order))~~ Stop work order. Whenever a continuing violation of this ~~((chapter))~~ Chapter 25.11 will materially impair the Director's ability to secure compliance with this ~~((chapter))~~ Chapter 25.11, when the continuing violation threatens the health or safety of the public, or when the continuing violation threatens or harms the environment, the Director may issue a ~~((stop work))~~ stop work order specifying the violation and prohibiting any work or other activity at the site. The posting of the ~~((stop work))~~ stop work order on the site shall be deemed adequate notice of the ~~((stop work))~~ stop work order. A failure to comply with a ~~((stop work))~~ stop work order shall constitute a violation of ~~((this chapter))~~ Chapter 25.11.

E. Review by Director and ~~((Judicial Appeal.))~~ judicial appeal

1. A ~~((Notice of Violation, Director's order, or invoice))~~ notice of violation issued pursuant to this ~~((subtitle))~~ Chapter 25.11 shall be final and not subject to further appeal unless an aggrieved party requests in writing a review by the Director within ten ~~((10))~~ days after service of the ~~((Notice of Violation, order or invoice))~~ notice of violation. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall ~~((period shall))~~ run until ~~((five (5:00)))~~ 5 p.m. on the next business day.

2. Following receipt of a request for review, the Director shall notify the requesting party, any persons served the (~~Notice of Violation, order or invoice,~~) notice of violation and any person who has requested notice of the review, that the request for review has been received by the Director. Additional information for consideration as part of the review shall be submitted to the Director no later than (~~fifteen (15)~~) 15 days after the (~~written request for a review is mailed~~) Director notifies the requester of timely receipt of the request for review.

3. The Director will review the basis for issuance of the (~~Notice of Violation, order, or invoice~~) notice of violation and all information received by the deadline for submission of additional information for consideration as part of the review. The Director may request clarification of information received and a site visit. After the review is completed, the Director may(~~:~~

a. ~~Sustain the Notice of Violation, order or invoice; or~~
b. ~~Withdraw the Notice of Violation, order or invoice; or~~
c. ~~Continue~~) sustain, withdraw, modify, or amend the notice of violation, or continue the review to a date certain for receipt of additional information(~~;~~~~or~~
d. ~~Modify or amend the Notice of Violation, order, or invoice~~) .

4. The Director's decision (~~shall become final~~) is final and is not subject to further appeal unless an aggrieved party appeals (~~the decision to the Municipal Court within ten (10) days after the Director issues the decision. Appeal hearings in Municipal Court shall be de novo~~) as allowed under state law.

F. Referral to City Attorney for (~~Enforcement~~) enforcement. If a responsible party fails to correct a violation or pay a penalty as required by a (~~Notice of Violation~~) notice of violation, or fails to comply with a Director's order, the Director may refer the matter to the City

1 Attorney's Office for civil ~~((or criminal))~~ enforcement action. Judicial enforcement of a violation
2 of this ~~((subtitle))~~ Chapter 25.11 shall be by de novo review in Municipal Court.

3 G. Filing Notice or ~~((Order))~~ order. A ~~((Notice of Violation))~~ notice of violation,
4 voluntary compliance agreement, or ~~((an))~~ order issued by the Director or ~~((court))~~ Municipal
5 Court may be filed with the King County ~~((Department of Records and Elections))~~ Recorder's
6 Office.

7 H. Change of ~~((Ownership))~~ ownership. When a ~~((Notice of Violation))~~ notice of
8 violation, voluntary compliance agreement, or ~~((an))~~ order issued by the Director or ~~((court))~~
9 Municipal Court has been filed with the King County ~~((Department of Records and Elections))~~
10 Recorder's Office, a ~~((Notice of Violation))~~ notice of violation or an order regarding the same
11 violations need not be served upon a new owner of the property where the violation occurred. If
12 no ~~((Notice of Violation))~~ notice of violation or order is served upon the new owner, the Director
13 may grant the new owner the same number of days to comply as was given the previous owner.
14 The compliance period for the new owner shall begin on the date that the conveyance of title to
15 the new owner is completed.

16 I. Civil ~~((Penalties.))~~ penalties

17 1. Any person, firm, or corporation ~~((who is))~~ responsible for the removal,
18 topping, or other action detrimental to a tree in violation of this ~~((chapter))~~ Chapter 25.11 or any
19 notice, decision, or order issued by the Director pursuant to this ~~((chapter))~~ Chapter 25.11 shall
20 be subject to a civil penalty in ~~((the))~~ an amount ~~((equal to the appraised value of the tree(s)~~
21 ~~affected in accordance with the Guide for Plant Appraisal, 9th Edition, or successor))~~ as stated in
22 a Director's Rule with a 50 percent increase above that amount. If the violation is found to have
23 been willful or malicious, conducted purposefully to improve views, increase market value, or

1 expand development potential, or the result of negligence by a contractor or operator of
2 construction machinery, the amount of the penalty may be trebled as punitive damages.

3 2. Any person who fails to comply with (~~(Section)~~) subsection 25.11.120,D shall
4 be subject to a civil penalty in an amount not to exceed (~~(Five Hundred Dollars (\$500))~~) \$1,000 a
5 day.

6 3. The Director shall notify the City Attorney in writing of the name of any person
7 subject to the penalty(~~(;)~~) and shall assist the City Attorney in collecting the penalty.

8 J. Restoration. In addition to any other remedies available, violators of this (~~(chapter)~~)
9 Chapter 25.11 shall be responsible for restoring unlawfully damaged areas in conformance with a
10 plan, approved by the Director, which provides for:

11 (~~(repair)~~) 1. Repair of any environmental and property damage, and restoration of
12 the site; and

13 (~~(which results in a)~~) 2. Restored site condition that, to the greatest extent
14 practicable, equals the site condition at planting maturities that would have existed in the absence
15 of the violation(s).

16 K. Criminal (~~(Penalty-)~~) penalty

17 1. Anyone violating or failing to comply with any order issued by the Director
18 pursuant to this (~~(chapter)~~) Chapter 25.11 shall(~~(;)~~) upon conviction (~~(thereof,)~~) be punished by a
19 fine of not more than (~~(One Thousand Dollars (\$1,000))~~) \$1,000 or by imprisonment for not
20 more than (~~(ninety (90))~~) 90 days, or by both such fine and imprisonment. Each day's violation
21 or failure to comply shall constitute a separate offense.

22 2. Anyone violating or failing to comply with any of the provisions of this
23 (~~(chapter)~~) Chapter 25.11 and who within the past five (~~((5))~~) years has had a judgment against

1 them pursuant to subsection 25.11.120.B shall upon conviction (~~((thereof,))~~) be fined in a sum not
2 to exceed (~~((Five Thousand Dollars (\$5,000)))~~) \$5,000 or by imprisonment for not more than
3 (~~((three hundred sixty four (364)))~~) 364 days, or by both such fine and imprisonment. Each day's
4 violation or failure to comply shall constitute a separate offense.

5 **25.11.130 Definitions**

6 "Commercial tree work" means any of the following actions conducted within (~~((the City~~
7 ~~of))~~) Seattle in exchange for financial compensation: reportable work; removal of any tree 6
8 inches or greater (~~((DBH))~~) DSH; and the assessment of the health or hazard risk of trees larger
9 than 6 inches (~~((DBH))~~) DSH. Normal pruning and maintenance that does not meet the definition
10 of reportable work is not commercial tree work.

11 "Commercial vehicle" means: (1) a "motor truck" or "truck" except a passenger car; or
12 (2) a station wagon or van that has been permanently modified to carry no more than three seated
13 passengers. Such vehicles shall be properly licensed as a truck.

14 "Diameter at (~~((breast))~~) standard height" or (~~((“DBH”))~~) "DSH" means the diameter of a
15 tree trunk measured at 4.5 feet above ground. (~~((Diameter at breast height is equivalent to~~
16 ~~"diameter at standard height" or "DSH."))~~)

17 "Director" means the Director of the Seattle Department of Construction and Inspections.

18 "Drip line" means an area encircling the base of a tree, the minimum extent of which is
19 delineated by a vertical line extending from the outer limit of a tree's branch tips down to the
20 ground. The drip line may be irregular in shape to reflect variation in branch outer limits.

21 "Emergency action" means any action taken to a Tier 1, Tier 2, or Tier 3 tree that has an
22 extreme risk of imminent failure risk rating using the International Society of Arboriculture
23 (ISA) Tree Risk Assessment Qualification (TRAQ) method, including but not limited to such

actions as trimming or removal that is necessary to remedy an immediate threat to people,
structures, or health and safety.

~~((“Exceptional tree” means a tree or group of trees that because of its unique historical,~~
~~ecological, or aesthetic value constitutes an important community resource, and is deemed as~~
~~such by the Director according to standards promulgated by the Seattle Department of~~
~~Construction and Inspections.))~~

“Feeder root zone” means an area encircling the base of a tree equal to twice the diameter
of the drip line.

“Hazardous tree” means any tree or tree part that poses a high risk of damage to persons
or property, and that is designated ~~((as such))~~ by the Director ~~((according to the tree hazard~~
~~evaluation standards))~~ according to tree risk assessment evaluation standards established by the
International Society of Arboriculture.

“Hedge” means a line of closely-spaced trees and/or shrubs intentionally planted and/or
maintained along a property boundary or landscape border for privacy, screening, safety, or
similar function, which typically requires ongoing pruning or shearing to maintain its intended
function and/or reasonable use of nearby developed areas.

~~((“Inner root zone” means an area encircling the base of a tree equal to one-half the~~
~~diameter of the drip line.))~~

“Invasive tree” means any tree species that is documented on the King County Noxious
Weed Board’s Class A, Class B, or Class C Noxious Weed Lists.

“Maturity” means the eventual size of a tree, both in height and trunk width, to be
expected in Seattle. Maturity does not mean the maximum possible size of a tree.

1 “Normal pruning and maintenance” means for trees, shrubs, and other woody plants
2 compliance with American National Standards Institute A300 pruning standards.

3 “Reportable work” means removal of live branches 2 inches in diameter or greater;
4 pruning or removal of live roots 2 inches in diameter or greater; or removal of live branches
5 constituting 15 percent or more of a tree’s foliage-bearing area.

6 “Responsible party” means, in cases of violations, a person in control of property in fee
7 ownership or tenancy where a tree or tree protection area is located and the person or entity that
8 damaged or removed the tree. The responsible party may include the owner or owners, lessees,
9 tenants, occupants, or other persons who direct or pay for the detrimental action. The responsible
10 party may also include the person, partnership, or corporation who violated the provisions of this
11 Chapter 25.11.

12 “Tier 1 tree” means a heritage tree. A heritage tree is a tree or group of trees as defined in
13 Title 15.

14 “Tier 2 tree” means any tree that is 24 inches in diameter at standard height or greater,
15 includes tree groves as well as specific tree species as deemed as such by the Director pursuant
16 to standards promulgated by the Seattle Department of Construction and Inspections.

17 “Tier 3 tree” means any tree that is 12 inches in diameter at standard height or greater but
18 less than 24 inches in diameter at standard height and is not defined as a Tier 1 or Tier 2 tree.

19 “Tier 4 tree” means any tree that is 6 inches or greater in diameter at standard height but
20 less than 12 inches in diameter at standard height and is not defined as a Tier 1 or Tier 2 tree.

21 “Topping” means the cutting back of limbs to stubs within the tree’s crown, to such a
22 degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or
23 branches to lateral branches that are less than ~~((one-half (1/2)))~~ half of the diameter of the limb

1 or branch that is cut. Topping does not include acceptable pruning practices as described in the
2 ANSI A300 standards or their successor such as crown reduction, utility pruning, or crown
3 cleaning to remove a safety hazard or dead or diseased material. Topping is a type of tree
4 removal.

5 “Tree grove” means a group of eight or more trees, over 12 inches in diameter at standard
6 height that has a continuous canopy. It excludes red alders, black cottonwoods, bitter cherries,
7 Lombardy poplars, invasive trees, and any tree, the entire trunk of which is in a public right-of-
8 way. Trees planted as a hedge or clearly maintained as such are not tree groves. A tree grove
9 may be located across property lines on abutting and/or adjacent lots.

10 “Tree protection area” means the area surrounding a tree defined by a specified distance,
11 in which excavation and other construction-related activities must be avoided unless approved by
12 the Director. The tree protection area is variable depending on species, age and health of the tree,
13 soil conditions, and proposed construction.

14 “Tree protection area, basic” means the area within the drip line of a tree, which may be
15 irregular in shape to reflect variation in branch outer limits.

16 “Tree removal” means removal of tree(s) or vegetation, through either direct or indirect
17 actions including, but not limited to, clearing, topping, or cutting, causing irreversible damage to
18 roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation,
19 grading, or trenching in the ((dripline)) drip line area of a tree which has the potential to cause
20 irreversible damage to the tree, or relocation of an existing tree to a new planting location.

21 “Tree service provider” means any person or entity engaged in commercial tree work.

22 “Undeveloped lot” means a lot on which no buildings are located.

1 Section 8. New portions of Seattle Municipal Code Chapter 25.11 substantially identical
2 to struck provisions shall be construed as continuations of the struck portions rather than new
3 enactments.

4 Section 9. The provisions of this ordinance are separate and severable. The invalidity of
5 any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the
6 invalidity of its application to any person or circumstance, does not affect the validity of the
7 remainder of this ordinance or the validity of its application to other persons or circumstances.
8

1 Section 10. The Department of Construction and Inspections shall prepare a report 12
2 months after the effective date of this ordinance on the use by permit applicants of payment-in-
3 lieu of tree replacement. This report shall include the number of permit applicants that used the
4 payments, payment amounts, total payments collected, City costs related to tree planting and
5 establishment, and any recommendations for changes to the payment amounts to be included in a
6 revised Director's Rule. Recommendations for changes to fee amounts shall include
7 consideration of adequacy of payment amount to replace removed trees, cover City planting and
8 establishment costs, and effects of payment amount on permit applicant decisions about usage of
9 the payment option. The report shall be provided to the Mayor and the Chair of the City Council
10 Land Use Committee, or successor committee.

Section 11. This ordinance shall take effect and be in force 60 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023,
and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Construction and Inspections	Chanda Emery	Christie Parker

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to tree protection; balancing the need for housing production and increasing tree protections; and amending Sections 23.44.020, 23.47A.016, 23.48.055, 23.76.004, 23.76.006, and Chapter 25.11 of the Seattle Municipal Code.

Summary and Background of the Legislation: This legislation updates Title 23 (Land Use Code) and Chapter 25.11 (Tree Protection Code). The legislation is applicable citywide, largely in the Neighborhood Residential, Lowrise, Midrise, commercial and Seattle Mixed zones.

The update to the Tree Code includes the following changes:

- Expands the types and sizes of trees that are regulated and includes three new categories. The updated categories are as follows:
 - Tier 1, which consists of all heritage trees;
 - Tier 2, which encompasses the current exceptional category but with a reduced size threshold;
 - Tier 3, which includes all trees 12 inches or greater in diameter that do not fall under Tier 2; and
 - Tier 4, which includes all trees 6 inches or greater in diameter that do not fall under Tier 2 or Tier 3.
- Applies replacement requirements to include both Tier 2 and Tier 3 trees
- Uses 85% development coverage to measure zoned development capacity in place of floor area ratio (FAR) in the zones allowing multifamily use
- Simplifies provisions, including allowing development standards to be modified to aid in tree preservation as an administrative process without requiring Design Review, while maintaining Design Review as an option in multifamily and commercial zones
- Establishes a payment option for tree replacement using one for one replacement for smaller trees and trunk area calculation for larger trees (payment in-lieu)
- Supports administration of the updated code with tracking of tree preservation, removal, and replacement
- Requires installation of street trees for certain new residential development
- Requires replacement of Tier 1, 2 and 3 trees when removed as hazardous

For additional detail, please see Summary Attachment 1 – Expanded Summary of Code Changes.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? X Yes No

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2026:
Urban Forestry Capital Establishment (SDOT)	MC-TR-C050	Citywide	2024	Ongoing	\$1,270,000
Urban Forestry-Tree Replacement (PRK)	MC-PR-41011	Citywide	2024	Ongoing	\$570,000

- This legislation does not affect the 2023 Adopted CIP but it does provide future CIP funding. Revenue from this legislation is not anticipated to be received until 2024.
- CIP funding is provided from the payment in lieu program established in this legislation. Payment in lieu fees pay for tree planting as well as 5 years of tree establishment costs (watering, trimming, etc.).
- Financial figures throughout this document are shown in inflated dollars using an annual inflation factor of 3%.
- These figures, and others related to funds from the payment in lieu program, assume that payment in lieu will be used in 1% of the cases where mitigation is required for tree removal. They also assume that usage of the program will ramp up at a steady rate from 2023 to 2025: in other words, 33% of its long-term capacity in 2023, 66% in 2024 and 100% in 2025.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes X No

Appropriation change (\$):	General Fund \$		Other \$	
	2023	2024	2023	2024
	\$0	\$0	\$0	\$0
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2023	2024	2023	2024
	\$0	\$0	\$0	\$191,000
Positions affected:	No. of Positions		Total FTE Change	
	2023	2024	2023	2024
	0	0	.0	0

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

Yes. A companion bill provides the appropriations and positions necessary to implement this legislation. This associated cost and position information is also included here for

informational purposes. In addition, there are long-term financial implications as indicated below.

While the number of permit applications anticipated by SDCI would not be changed by adoption of this legislation, the number of applications that would include newly regulated trees would increase. This results in a need for additional SDCI staff to be funded by permit fees for permit reviews and site inspections. Additional funding by the General Fund for code compliance and enforcement work may be necessary in the future. In addition, starting five years after implementation of the legislation, SDOT and SPR will incur long-term maintenance costs for the trees planted under those capital programs.

New positions are also needed to support the tree tracking as part of the review and inspection process for permits reviewed under the updated tree code. SDCI has supported tree tracking for two years through temporary hires. One regular position will allow this work to continue to support the permit process. SDCI estimates the additional City employee time needed for ongoing implementation and enforcement of this legislation as follows:

POSITION	QUANTITY/TYPE	ANNUAL COST	FUND SOURCE
Land Use Environmental Analyst (permit reviewer)	1.0 FTE	\$161,000	Fees
Inspection Services Site Inspector	1.0 FTE	\$148,000	Fees
Land Use Management Systems Analyst Supervisor (tree tracking)	1.0 FTE	\$167,000	Fees
Total	3.0 FTE	\$476,000	Fees

Since this legislation is being considered mid-year, the 2023 fiscal impact for staffing costs is based on 6 months plus fleet costs.

In addition, starting five years after implementation of the legislation, SDOT and SPR will incur long-term maintenance costs for the trees planted under those capital programs as follows:

Projected City-Funded Maintenance Costs by Year For Trees Planted Using Payment In Lieu						
	2028	2029	2030	2031	...	2042
SDOT	\$18,000	\$67,000	\$141,000	\$213,000	...	\$948,000
SPR	\$26,000	\$82,000	\$150,000	\$198,000	...	\$817,000

- Financial figures throughout this document are shown in inflated dollars using an annual inflation factor of 3%.
- These figures, and others related to funds from the payment in lieu program, assume that payment in lieu will be used in 1% of the cases where mitigation is required for tree removal. They also assume that usage of the program will ramp up at a steady rate from 2023 to 2025: in other words, 33% of its long-term capacity in 2023, 66% in 2024 and 100% in 2025.

- The establishment period, which consists of the first five years of each tree’s growth, is treated as part of the capital investment and will be funded by the capital projects identified above. Thus, City-funded maintenance costs do not begin to accrue until the fifth year (2028).

Are there financial costs or other impacts of *not* implementing the legislation?

Yes. Not implementing the legislation could result in the loss of tree canopy coverage or impact the achievement of future canopy cover goals over time in the Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones. The citywide 2037 Urban Forest Management Plan (UFMP) canopy cover goal (set in 2007) is 30%, and the 2021 canopy cover assessment measured Seattle’s current canopy at 28% citywide. Additionally, not implementing the legislation could contribute to delay in the permit process for development projects that have tree reviews, which could slow housing production.

This legislation is an opportunity for the City to address inequitable canopy cover in neighborhoods where BIPOC residents and business owners live and work. The 2021 Canopy Cover Assessment provides an analysis that shows areas where people of color and people with low incomes live in Seattle are also the areas that have fewer environmental benefits and greater environmental burdens due to low canopy cover. Some of these communities are closer to the most heavily trafficked roadways and have poor air quality.

3.a. Appropriations

_____ This legislation adds, changes, or deletes appropriations.

Appropriations Notes: Although appropriations are not included in this bill, a companion bill will include the appropriations necessary to implement this legislation. The companion bill increases 2023 appropriations for the Construction and Inspections Fund (48100) by \$273,000 in 2023 as follows:

- Budget Control Level BO-CI-U2200 – Land Use Services – \$164,000
- Budget Control Level BO-CI-U23A0 – Inspections – \$109,000

These changes assume position costs for 6 months in 2023 as well as a one-time fleet add in 2023 for a new site inspector position.

3.b. Revenues/Reimbursements

X This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from This Legislation:

Fund Name and Number	Dept	Revenue Source	2023 Revenue	2024 Estimated Revenue
13000 – Transportation Fund	SDOT	Payments in lieu for tree removal mitigation	\$0	\$132,000
10200 – Park and Recreation Fund	SPR	Payments in lieu for tree removal mitigation	\$0	\$59,000
		TOTAL	\$0	\$191,000

Revenue/Reimbursement Notes: The revenue shown here is for the payment in lieu program. It therefore does not offset the SDCI staffing costs represented in the sections above. The revenue accrues to different funds: specifically, it funds the capital improvement programs identified in Section 2.

3.c. Positions

 This legislation adds, changes, or deletes positions.

Position Notes: Although appropriations are not included in this bill, a companion bill will include the positions necessary to implement this legislation. The companion bill includes the following three ongoing positions:

- FTE Environmental Analyst, SDCI (Land Use)
- FTE Site Inspector, SDCI (Inspection Services)
- Management Systems Analyst Supervisor (Land Use)

This is an initial estimate of FTE needs based on Subject Matter Expert (SME) input. The department will evaluate the project over time and determine if additional positions are required in the future.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

The City department with direct responsibility for implementation and enforcement of this legislation is the Seattle Department of Construction and Inspections (SDCI). Other departments have a supporting role, including Seattle Parks and Recreation (SPR) and the Seattle Department of Transportation (SDOT). These departments receive payments from the

payment in-lieu provisions and will use these payments to plant replacement trees. SDOT and SPR have been consulted and support this legislation.

b. Is a public hearing required for this legislation?

Yes.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Notices will be published in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin. The SEPA Draft legislation, the City's Determination, pursuant to environmental review under the State Environmental Policy Act (SEPA), was published on February 17, 2022.

d. Does this legislation affect a piece of property?

Yes. The legislation affects properties in zones applicable to SMC 25.11 which includes properties citywide, largely zoned Neighborhood Residential, Lowrise, Midrise, commercial and Seattle Mixed zones. The legislation also requires certain new development to plant street trees within the street right-of-way (ROW). If there is no room to plant trees in the street ROW, then a builder or property owner could elect the payment in-lieu option.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This legislation helps plant trees in low canopy areas and/or low-income communities, many of which are BIPOC neighborhoods with public health disparities, including higher rates of asthma due to lower air quality than in higher tree canopy areas. This could be accomplished by either planting trees onsite when mitigation is required for tree removal and/or through the voluntary alternative to make a payment in-lieu of replanting on-site; in this case, the City will use the payment in lieu fees to plant trees elsewhere emphasizing neighborhoods with lower canopy cover. It is estimated that payments in-lieu alone will fund the planting of more than 3,000 trees over the next 20 years. As previously mentioned, data indicates that vulnerable and historically disadvantaged communities are most impacted by lower tree canopies in Seattle.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

This legislation will likely result in a small reduction of greenhouse gas emissions by reducing the energy needed to cool buildings during summer heat waves when preserved

and replanted trees provide shading. In addition, the legislation will likely foster other related tree benefits including carbon storage and sequestration.

- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This legislation increases Seattle’s resiliency and its ability to adapt to climate change by increasing tree protections (i.e., regulating more trees) together with the option to elect to make a payment in-lieu of replanting on-site. Documented resiliency benefits of the urban forest include shading and mitigation of stormwater impacts.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).**

Not applicable.

Summary Attachments:

Summary Attachment 1 – Expanded Summary of Code Changes

Expanded Summary of Code Changes

Below is an expanded summary list of what requirements will be changing and how these requirements are changing with this legislation. These items are generally listed in the same order as presented in the draft legislation.

1. **Plant trees in street right-of-way (ROW) for new single-family development in Neighborhood Residential, commercial, and Seattle Mixed zones:** This legislation would require that trees must be planted in the street right-of-way for new construction of principal single-family dwelling units, except for accessory dwelling units and building additions, in Neighborhood Residential zones subject to Chapter 23.44 of the Land Use Code, and in commercial zones and Seattle Mixed zones subject to Chapters 23.47A and 23.48 of the Land Use Code.
2. **Adds that the application of the tree provisions pursuant to Chapter 25.11 is regulated as a Type I decision:** This would simplify provisions, including allowing development standards to be modified to aid in tree preservation as an administrative process without requiring Design Review, while maintaining Design Review as an option in multifamily and commercial zones. This means that new development projects would use an administrative Type I review (non-appealable, which is the same decision type as compliance with zoning). This change allows for the applicant and the City to work closer together and earlier in the development review process when a “tree review” is required.
3. **Updates the purpose and intent of Chapter 25.11:** This section was updated to include a new phrase which reads “while balancing other citywide priorities such as housing production.” This change signals that the intent of Chapter 25.11 is to support future growth and density with a balanced approach as per [Resolution 31902](#).
4. **Clarifies actions that are exempt from Chapter 25.11:** This change means that items listed in the exemption section of this legislation are exempt from these regulations and/or it is regulated within another section of the Land Use Code. Some of these exemptions include: when a tree needs to be removed because it is infested with insects and/or pests that have caused the tree’s health to be no longer beneficial to itself and the environment; tree removal that is necessary to be in compliance with the Americans with Disabilities Act (ADA) such as the installation of a curb ramp or a walkway for wheelchair access to a building from the sidewalk; tree removals and other tree-related activities as part of redevelopment that are applicable to planned action ordinances such as within the MPC-YT zone for Yesler Terrace. Additionally, permanent supportive housing development project proposals would be exempt from Chapter 25.11 because these types of projects are already regulated by the Land Use Code.
5. **Adds a new section addressing emergency actions that may be undertaken without obtaining a permit in advance:** This section was added to give increased certainty in the

tree code for what is required to be submitted to SDCI for an emergency action. An example of an emergency action could be a fallen tree from a severe windstorm that has the potential to cause injury (i.e., hazardous tree). This legislation clarifies the list of emergency activities and allows for the tree to be removed or pruned to remedy an immediate threat to public health, safety, or welfare.

6. **Adds a new section addressing provisions related to hazardous tree removal:** This legislation updates the references in the regulations to be in line with established industry standards for tree risk assessment evaluation. The other change is a new section that requires hazardous trees 12 inches in diameter and greater to be replaced if those trees are removed.
7. **New “tiers” naming:** Chapter 25.11 is updated to use a new “tiers” naming nomenclature. This change removes and replaces the “exceptional” tree category in the existing tree regulations. There are four tree tiers in this legislation: Tier 1 Tree, Tier 2 Tree, Tier 3 Tree, and Tier 4 Tree. With these new tiers, this legislation does the following:
 - a. Regulates heritage trees as Tier 1 Trees;
 - b. Expands the formerly “exceptional” tree category (now called Tier 2 Trees) to include more trees with a lowered threshold from 30” to 24” and now also includes tree groves. In addition, some “exceptional” trees that are currently regulated by species and size in existing Director’s Rule 16-2008 will retain their “exceptional” tree status as the name is changed from “exceptional” to Tier 2 Trees;
 - c. Regulates trees that are 12” to 24” diameter. This change now requires these Tier 3 Trees to either be replaced if removed or the property owner may elect to make a payment in-lieu of replacement onsite;
 - d. Regulates trees that are 6” to 12” diameter; and this legislation requires these Tier 4 trees to be delineated and shown on project proposals and site plans to assist SDCI in using GIS tracking to report on tree-related data including how many trees were removed, replaced and preserved during development. It should be noted that GIS tree tracking work activities apply not only to Tier 4 trees but all tree tiers (Tiers 1-4).
8. **Revisions to “tree protection area”:** This legislation includes a new description about factors relating to the tree protection area that is substantially similar to the existing provisions. It maintains the basic tree protection area (area within the drip line of a tree, which may be irregular in shape to reflect variation in branch outer limits) and factors that will be considered when modifying the basic tree protection area to determine the extent of the tree protection area.

It also adds the following:

- a. Description about determining the tree protection area, which “shall be determined based on species tolerance; expected impacts of construction activities; tree size, age, and health; and soil conditions not to exceed the area of the feeder root zone.”
- b. Indicates that the tree protection area “shall not be reduced more than 35 percent (compared to 33 percent under existing code) unless an alternative tree protection area or construction method will provide equal or greater tree protection and result

- in long-term retention and viability of the tree as determined by a certified arborist” with existing encroachments not counting toward the reduction.
- c. New encroachments into the tree protection area, if allowed by the SDCI Director and with arborist findings, could not be closer than one-half of the tree protection radius; and existing encroachments closer than one-half radius could remain or be replaced if no appreciable damage to the tree would result.
 - d. For properties undergoing development, a tree protection area also would be required for trees relocated off the site and trees newly planted on-site as mitigation.
 - e. Removes the graphic illustration of the tree protection area, Exhibit 25.11.050B.
 - f. Provides new tree protection area using ANSI 300 standards. The tree protection area requirements are provided in the SDCI Tree and Vegetation Protection Detail.
9. **Tree removal limits:** This legislation adjusts tree removal limits when no development is proposed for an allowance of two Tier 4 trees in any 36-month period in the LR, MR, C and SM zones, and maintains the allowance for three Tier 3 and 4 trees in any 12-month period in all other zones.
10. **Outdated tree covenants can be discontinued:** This legislation clarifies wording to allow tree protection area covenants to be discontinued if the tree no longer exists (i.e., covenant applies “...for the remainder of the life of the tree”). Deletes references to “permanent” covenants.
11. **Zoning capacity calculation in dense zones:** Replaces floor area ratio (FAR) development capacity standard in the LR, MR, C and SM zones to use a hardscape area allowance of 85% coverage (in addition to a factor that includes leftover pieces of the property that are too small to accommodate usable development) to calculate zoned capacity for the application of the tree code.

Maintains and clarifies incentives for the retention of Tier 2 trees through a menu of adjustments to development standards. For development not subject to design review:

- a. Setbacks and separation requirements may be reduced by a maximum of 50 percent
- b. Amenity areas may be reduced by a maximum of 10 percent
- c. Landscaping and screening may be reduced by a maximum of 25 percent
- d. Structure width, structure depth, and façade length limits may be increased by a maximum of 10 percent

For development subject to design review, there are departures permitted in Section 23.41.012.

Reduction in parking quantity required by Section 23.54.015 is allowed if the reduction would result in avoidance of the tree protection area and the modification of standards for safe access.

In Lowrise zones, allows an increase in base height from 40 feet to 50 feet, for an additional building floor if needed to recover floor area lost within a tree protection area.

12. **Major Institutions clarification:** The update clarifies that if provisions of a City Council approved Major Institution Master Plan are inconsistent with the City's tree protection code guidance, the Master Plan's provisions will supersede.
13. **Tree replacement, maintenance and site restoration:** This legislation requires Tier 2 trees and Tier 3 trees that are removed in association with development, plus hazardous trees, to be replaced by one or more new trees; the size and species of the replacement trees is determined by the Director. Clarifies that replacement is to result in roughly proportional canopy cover prior to tree removal. It also adds a five-year maintenance and monitoring requirement by the property owner for newly planted replacement trees on private property, similar to a requirement used in existing codes for environmentally critical areas and shorelines. Prohibits removal of replacement trees of any size unless removal is approved by a future permit.
14. **Off-site planting and voluntary payment in lieu:** This legislation includes establishment of payment in lieu amounts and rates; such amounts are calculated to account for the cost for City departments to plant and establish trees for five years. Departmental planting costs include watering and minor pruning necessary to establish the trees for a reasonable likelihood of longer-term survival consistent with the City's practices on capital funding.
15. **Enforcement and penalties:** The update adds language that if the violation is found to have been conducted purposefully to improve views, increase market value, or expand development potential, or was the result of negligence by a contractor or operator of its construction machinery, the amount of the penalty would be tripled as punitive damages.
16. **Definitions:** This legislation establishes a list of new definitions (e.g., tree grove, responsible party) and removes other definitions (e.g., caliper, exceptional tree, diameter at breast height) that are no longer applicable or are now inapposite given the updates to Chapter 25.11 and other sections of the Land Use Code.

SDCI Director's Report - Tree Legislation

March 17, 2023

BACKGROUND

The Seattle Department of Construction and Inspections (SDCI) recommended legislation addresses the City's urban forest on private property balanced with the need for housing as outlined in [Resolution 31902](#). The Resolution spotlights key strategies prepared by Council to elevate equitable outcomes by the delivery of multi-benefits of tree protections consistent with the goals and policies of the [2015-2035 Comprehensive Plan](#) and the [2020 Urban Forest Management Plan \(UFMP\)](#). This tree legislation will help address climate change and provide for healthy outcomes for the urban forest. At the same time there is a critical need for more housing across the City. Positive environmental and housing outcomes can be mutually supportive. This proposal is intended to balance the needs of the urban forest with housing in a way that affords a high quality of life for all Seattle residents.

PROPOSAL SUMMARY

The proposed legislation would update Title 23 (Land Use Code) and Title 25 (Tree Protection Code). The proposal largely is applicable citywide to the Neighborhood Residential, Lowrise, Midrise, commercial and Seattle Mixed zones. These are the zones where the majority of the tree canopy is found. This proposal builds on the draft legislation that was released for public review in mid-February 2022. Updates to the 2022 proposal are described in this report and called-out and summarized in the table in the report appendix.

The proposal addresses the strategies outlined in [Resolution 31902](#). The proposed legislation would:

- Achieve a comprehensive and balanced approach to tree protections by the inclusion of a menu of code flexibility and incentives, such as an allowance for the modification of development standards to help avoid impacting trees during development and preserving development potential;
- Create clearer standards for tree protection during the plan review process;
- Establish simpler tree categories to remove confusion over existing terminology;
- Include more trees in the regulations by expanding and lowering thresholds for tree regulation;
- Establish a payment in-lieu program to provide flexibility for tree replacement and address racial inequities and environmental justice disparities; and
- Maintain the ability to achieve zoned housing capacity while mitigating tree removals at new thresholds including mitigation for hazardous tree removal.

The following sections of this report describe the proposal in more detail. A table at the end of the report lays out the proposed amendments by section of the Seattle Municipal Code.

ANALYSIS

Code Flexibility and Incentives

The proposal would allow property owners and builders the flexibility to adjust development standards to help retain and preserve trees. Standards that may be adjusted by the SDCI Director include:

- Setbacks and separation requirements may be reduced by 50 percent;
- Amenity area may be reduced by 10 percent;
- A landscaping and screening may be reduced by 25 percent; and
- Structure width, structure depth, and facade length limit may be increased by 10 percent.

In addition, for development projects that are subject to design review, there are development standard departures for both parking quantity and access. In the Lowrise zones, there is a departure available to allow for an increase in height limit from 40 to 50 feet, as an incentive for an additional floor to recover reduced floor area at grade to protect a tree.

Clearer Standards for Tree Protection

The proposed legislation would create clear standards for tree protection before an application for development is filed with SDCI. This change would give increased certainty up front about tree-related development decisions and site planning to the property owners, SDCI staff, and neighbors. This update is timely and necessary because under the new regulations there will be more trees included for tree protection than what is currently regulated in the existing tree code.

Under the current tree code, SDCI plan reviewers use the floor area ratio (FAR) standard, which is the floor area allowance for a proposed building(s) relative to the overall parcel area, in concert with development plans that show all site features needed to meet all parts of the code. This total depiction including FAR is used to determine development capacity for multifamily and commercial development zones for the purposes of tree code review. Tree removal is allowed in order to permit for the zoned development capacity of a lot to be realized. This proposed legislation uses development coverage in place of FAR in the Lowrise, Midrise, commercial and Seattle Mixed zones. The updated development capacity standard would apply to approximately 8% of the regulated trees on private property, which are located on lots the applicable zones.

The proposal would allow for a builder or property owner to use a hardscape area allowance of 85% coverage (in addition to a factor that includes leftover pieces of the property that are too small to accommodate usable development) to calculate zoned capacity for application of the tree code. The intent is to balance the need for tree protections with the need for housing production by clearly depicting the locations, sizes and species of existing trees earlier in the design process while preserving development potential of the site. This is not a new SDCI standard but it is a more complete way to help applicants prepare permit applications including tree reviews by showing more detailed information about trees and other development/hard surface improvements.

The 85% coverage standard for measuring zoning capacity is based on a case study of permitted development and prototypes used in developing applicable zoning. The case study shows ranges of 80-90% in multifamily, commercial and mixed-use zones. This standard would account for the features needed to meet code requirements to serve new multifamily development and are accounted for in hardscape calculations used in demonstrating compliance with adopted drainage regulations, Title 22 – SMC Chapter 22.805 and SMC 22.807.020. Features include building footprints, eaves, parking and parking access areas, walkways, bicycle parking, solid waste storage areas, covered patios and other hard surfaces. The hardscape area allowance of 85% is a better reflection of the development that results from meeting the City's requirements for

multifamily development in place of the current FAR, which only accounts for the building footprint(s). For a builder, a homeowner, and neighbor this would provide more predictable outcomes for multifamily development.

In practice, builders and property owners would submit development plans with permit applications for review and approval by SDCI planners and arborists. For example, if there are multiple trees on a lot, tree preservation priority would be based on the ability to achieve the zoned development capacity and factors including tree health and longevity. SDCI would approve permit applications that meet all codes including provisions related to trees.

Simpler Review Process

The proposed legislation would shorten the City approval process using a simpler review process. The proposal would move the ability for permit applicants to seek flexibility in meeting development standards to protect trees from streamlined design review (SDR) to an administrative staff review. This would benefit applicants that would be going through design review solely for the purpose of protecting trees (projects that are exempt from design review because of their small size). Both SDR and administrative staff review are Type I review decisions (non-appealable, which is the same decision type as compliance with zoning). Under the proposal, an SDCI reviewer, in consultation with an arborist, if needed, would work with permit applicants on compliance with the tree code. This would put the most appropriate SDCI subject matter experts in more direct contact with the permit applicants.

The legislation includes several updates to further support more efficient permit reviews as follows:

- **Organization of trees by more straightforward and easier to understand categories.**
This includes an updated Director's Rule that would accompany the proposed legislation that describes the four tree categories;
- **Clarification on how trees in each of the four tree categories are regulated in different situations.**
This allows for a new tree code that is easier to understand how these trees are regulated and it works in all stages of development as well as outside of development (i.e. - when no development is proposed and tree removal is proposed by a property owner for property management purposes), during development (i.e. - when a builder or a property owner applies to SDCI for a permit to build) and on undeveloped lots;
- **Establishment of new business practice and technology improvements.**
Process improvements including new business practices and technology improvements would support better tracking of tree preserved, removed, and replaced including integration with [Ordinance 126554 Tree Service Provider Registration](#); and
- **Increased clarity in complex tree codes including City materials and websites that explain how codes work.** This would help remove ambiguity from the current process, reduce uncertainty for builders and, in turn, eliminate unnecessary costs.

Table 1 below summarizes anticipated benefits of the proposed legislation as per strategies addressed in [Resolution 31902](#) as it relates to the establishment of a new and simpler review process.

TABLE 1 Summary of Anticipated Benefits by Resolution 31902 Strategy Addressed in Legislation

SIMPLIFY PROCESSES	
Resolution Strategy	Benefits
D. Simplifying tree planting and replacement requirements, including consideration of mitigation strategies that allow for infill development while balancing tree planting and replacement goals	<ul style="list-style-type: none"> + Improves customer service with clear regulations for more predictable outcomes + Faster permit review times allows for reduced delays for builders which helps make more housing available sooner + Reduces illegal tree removals + Reduces obstacles that can be difficult for disadvantaged communities to navigate + Updates enforcement provisions + Helps achieve City's canopy coverage goals

New Tree Categories (Tiers 1, 2, 3 and 4) and Increased Regulation

This legislation would create four new categories: Tier 1, Tier 2, Tier 3, and Tier 4. Table 2 provides a description of each tier and the proposed definitions in the legislation.

TABLE 2 Summary of New Tree Categories: Tiers 1, 2, 3 and 4

TREE CATEGORY	DEFINITION
Tier 1	Includes heritage trees (falls under formerly exceptional trees)
Tier 2	Includes trees 24" at Diameter at Standard Height (DSH) or greater and groves as well as specific tree species provided in Director's Rule x-2023 or its successor
Tier 3	Includes trees 12" at DSH or greater but less than 24" at DSH that are not considered Tier 2 trees as provided in Director's Rule x-2023 or its successor
Tier 4	Includes trees 6" at DSH but less than 12" at DSH

Tier 2 and Tier 3 trees removed in association with development in the applicable zones would be replaced by one or more new trees, the size and species of which would be determined by the SDCI Director. Tree replacement would be required to result, upon maturity, in a canopy cover that is roughly proportional to the canopy cover prior to tree removal. Approval for removal is part of the overall development permit. If approved for removal, the property owner or builder would be required to either replace the tree onsite or may elect to make a payment in-lieu of replacement onsite. Trees that are not approved for removal are protected by covenant and documentation would be required for hazardous tree removal and emergency actions. A covenant would be required to be in place for the life of the development and may be allowed to be removed in situations that the tree has perished or when the covenant expires.

Tree removal limits in this legislation have been updated. Regulated trees may not be removed unless deemed hazardous or in need of emergency action. The proposal limits the trees that can be removed when no development is proposed to an allowance of up to two Tier 4 trees in any 36-month period in NR, LR, MR, C, and SM zones. It also maintains the allowance for up to three Tier 3 and Tier 4 trees in any 12-month period in the other zones applicable to this legislation (mainly downtown and industrial zones). Typically,

trees removed outside of development are done in support of the installation of solar arrays, creation of gardens, and the addition of outdoor amenities.

Hazardous trees measured at 12" diameter at standard height (DSH) or greater would be required to be replaced when approved for removal. Tree categories applicable to hazardous tree mitigation include Tier 1, Tier 2, and Tier 3 trees.

More Trees Included in Regulations

The proposed legislation would require street trees to be planted in the street right-of-way (ROW) for construction of a new single-family home in Neighborhood Residential zones and would remove an exemption for street tree planting in commercial and Seattle Mixed zones. Existing provisions for street tree requirements would apply and allow SDCI in consultation with the Seattle Department of Transportation (SDOT) to make exceptions depending on the suitability of tree planting in the ROW. The proposal would require builders to plant trees in the street right-of-way when a new single-family home is built but not for the construction of an accessory dwelling unit or an addition that is no larger than 1,000 square feet to an existing home. This new requirement would increase the number of trees¹ located in the ROW and it would help meet citywide canopy coverage percentage goals in the [2020 Urban Forest Management Plan \(UFMP\)](#).

This legislation would expand the definition of an exceptional tree (Tier 2) tree by lowering the threshold from 30" to 24" as measured by diameter at standard height (DSH) and add tree groves. Currently, over 70 species of trees are considered exceptional per Director's Rule 12-2008 which would be renamed as Tier 2 (and thus protected from removal) once they reach a certain [size](#). While a few species with smaller trunks, such as Madrona and Spruce, are exceptional once they are 6", most species must be much larger.

Heritage trees are cataloged by Plant Amnesty and the Seattle Department of Transportation. This legislation would add additional protections for heritage trees². The new requirement would be that heritage trees are prohibited from removal unless deemed hazardous or for an emergency action.

These changes described above would result in more trees regulated in the Tree Protection Code at the uniform diameter of 24". All other tree size considerations are included in the existing [Director's Rule 16-2008](#) in defining trees under the new Tier 2. Under this proposal, the percentage of lots that would be regulated during development is 16% or 25,920 lots³. The increase in the number of newly regulated trees is 48,000 additional trees⁴.

Tables 3 and 4 summarize anticipated benefits of the proposed legislation as per strategies addressed in [Resolution 31902](#) as it relates to new tree categories Tiers 1, 2, 3 and 4 (formerly exceptional and significant trees).

¹ In 2021, SDCI reviewed and approved 449 new homes in the Neighborhood Residential zones. This new requirement will help add more trees to the street right-of-way (ROW) when new homes are built.

² Approximately 10-15 heritage trees are added to the City's Heritage Tree Program each year.

³ Table 5 of Draft Director's Report states that the total number of approximately 162,000 applicable lots are in Neighborhood Residential, Lowrise, and commercial zones. Regulating trees 12" and larger plus exceptional trees would mean that the percentage of lots to be regulated during development is 16%.

⁴ Table 5 of Draft Director's Report: 70,400 – 22,400 = 48,000 additional trees to be regulated during development.

TABLE 3 Summary of Anticipated Benefits by Resolution 31902 Strategy Addressed in Legislation

EXPAND DEFINITION OF EXCEPTIONAL TREE (TIER 1 AND TIER 2 TREES) BY LOWERING THRESHOLD FROM 30" TO 24" AND ADD TREE GROVES AND HERITAGE TREES	
Resolution Strategy	Benefits
A. Retaining protections for exceptional trees and expanding the definition of exceptional trees	<ul style="list-style-type: none"> + Preserves more established large, mature trees which have greatest environmental benefits + Removes invasive species from list of protected trees + Increases clarity for improved customer service and compliance + Clarifies heritage trees and tree groves are regulated as exceptional trees (Tier 1 are heritage trees, Tier 2 are 24" at DSH or greater and groves as well as specific tree species provided in Director's Rule x-2023 or its successor) + Helps accomplish citywide canopy coverage goals faster when preserving or requiring replacement for large, mature trees

TABLE 4 Summary of Anticipated Benefits by Resolution 31902 Strategy Addressed in Legislation

DEFINE SIGNIFICANT TREE (TIER 3 AND TIER 4 TREES) AS ANY TREE 6 INCHES OR GREATER AND NOT EXCEPTIONAL (TIER 2 TREES)	
Resolution Strategy	Benefits
B. Adopting a definition of significant trees as trees at least 6 inches in diameter and creating a permitting process for the removal of these trees C. Adding replacement requirements for significant tree removal (Tier 2, 3 and 4) D. Simplifying tree planting and replacement requirements, including consideration of mitigation strategies that allow for infill development while balancing tree planting and replacement goals	<ul style="list-style-type: none"> + Replacement requirement would help offset loss of tree benefits caused by tree removal; New requirement to plant trees in street right-of-way (ROW) in Neighborhood Residential zones + Mitigation would help City reach canopy coverage goals faster than without any mitigation for tree replacement + Maintaining tree removal limits in combination with the "Right Tree, Right Place" guidelines based on ecological benefits of the tree allow for increased flexibility for builders and property owners + Mitigation trees planted in street right-of-way in BIPOC communities help address environmental justice and lessen historical inequities of reduced public health benefits due to lack of trees and lower tree canopies + New replacement trees provide an opportunity to improve the age and species diversity and overall health of the urban forest over time increasing environmental tree benefits citywide + Helps the City keep track of trees removed, replanted, and preserved + Removes uncertainty for property owners and builders when requirements are clearer and more understandable

Ecological Function Criteria

This legislation would give SDCI arborist staff discretion to evaluate the life expectancy of Tier 3 trees at 12" diameter or greater, all Tier 2 trees, potential Tier 2 trees, and all Tier 1 trees. The purpose would be to determine the likelihood that the tree would live to maturity due to factors such as health and physical condition and development site constraints (i.e. - proximity to existing or proposed development). Other

factors that would be evaluated include driveway access, utilities, soil conditions, exposure to sunlight, and environmental conditions external to the development site such as the likely occurrence of disease or insect infestation, landslide, or high-water table.

Hazardous Tree Removal and Mitigation

SDCI approves the removal of a tree protected by Chapter 25.11 as long as the property owner or builder demonstrates the tree poses a significant risk of causing damage to people or property. This legislation would make it clear that hazardous trees can be removed with the usage and adherence to [adopted industry standards](#). A tree risk assessment is required to be prepared by a certified ISA Tree Risk Assessment Qualification (TRAQ) professional arborist.⁵ Under the proposal, the tree risk assessor must demonstrate that the protected tree meets the criteria for removal. Approval from SDCI is required in advance of hazardous tree removal unless it is an emergency action.

The existing tree code did not require replacement for hazardous tree removals. Under this proposal, the legislation now requires replacement for trees 12" and larger to be replanted or a payment made to a citywide fund in support of [City goals to increase tree canopy coverage](#). The new replacement requirement would lead to approximately 500 new trees per year.

Payment In-Lieu Option for Onsite Tree Replacement

Under the proposal, this legislation would allow for a voluntary payment option when tree replacement is required. One benefit to having an option to make a payment in-lieu of tree replacement onsite is that it would add flexibility for new development when there is not enough soil volume and space available to plant trees onsite or in the street ROW. This would also be helpful to a property owner if there is a preference by the owner to allow for the establishment of a garden or for the installation of solar arrays. In addition, the use of funds to plant trees in low canopy areas including BIPOC neighborhoods would help address environmental disparities and inequities in citywide canopy coverage.

Payment in-lieu amounts are proposed using a formula from the [Guide for Plant Appraisal, 10th Edition](#), authored by the Council of Tree and Landscape Appraisers. The payments also include consideration of costs for City departments to plant trees. Departmental planting costs include watering and minor pruning necessary to establish the trees for five years to help provide a reasonable likelihood of longer-term survival.

Proposed Payments in-lieu of tree replanting

Tree Category	Required Mitigation	Amount
Tier 1 and 2 Trees	Cost per square inch of trunk for each tree removed	\$17.87/square inch
Tier 3 trees	Cost per tree removed	\$2,833

Estimates of revenues to be generated for the citywide tree fund are based on the anticipated number and type of trees removed annually as well as research from other jurisdictions of comparable size and density to Seattle⁶. Usage would likely be less than direct replanting. SDCI estimates the revenue forecast to be approximately \$191,000 in 2024. Both Seattle Parks & Recreation (SPR) and the Seattle Department of Transportation (SDOT) report that this estimate would be used by existing tree planting programs.

⁵ The certified arborist is required to have [ISA Tree Risk Assessment Qualification \(ISA TRAQ\)](#) credentials.

⁶ Peer review cities interviewed experience approximately 1 percent payment in-lieu usage. SDCI anticipates a 1 percent usage.

The City would monitor payment in-lieu usage for future recommendations for adjustments to improve performance and consistency with City goals. Table 5 summarizes anticipated benefits of the proposed legislation as per strategies addressed in [Resolution 31902](#) as it relates to the new payment in-lieu program.

TABLE 5 Summary of Anticipated Benefits by Resolution 31902 Strategy Addressed in Legislation

ALLOW PAYMENT IN LIEU OPTION WHEN TREE REPLACEMENT IS REQUIRED	
Resolution Strategy	Benefits
D. Simplifying tree planting and replacement requirements, including consideration of mitigation strategies that allow for infill development while balancing tree planting and replacement goals	+ Payment in-lieu would provide resources for planting new trees in low canopy areas including BIPOC neighborhoods to lessen environmental disparities and inequities
E. Establishing an in-lieu fee option for tree planting	+ Adds flexibility for new development when there is not enough soil volume and space available to plant trees onsite or in the ROW and/or property owner's preference is to replant trees elsewhere to allow for a garden or solar access, etc.
F. Tracking tree removal and replacement on both public and private land throughout Seattle	+ Provides an opportunity to improve the age and species diversity and overall health of the urban forest over time increasing environmental tree benefits citywide
	+ Use of funds to plant trees on City managed property increases the likelihood that trees will live to maturity

Address Racial Inequities and Environmental Justice

The above-described payment in-lieu option would allow for new trees to be planted citywide. This would help to increase tree canopy in neighborhoods with lower canopy coverage. At the same time, the payment in-lieu program would keep lots available for new homes to be constructed supportive of the City's housing needs while providing for an option that would recognize and mitigate the impact of tree removal on a development site.

This climate forward benefit addresses historical environmental disparities by centering and prioritizing BIPOC communities. This would provide funding to the City to plant trees where tree canopy expansion is most needed that makes use of several options for tree planting programming (i.e. - Seattle Department of Transportation, Seattle Parks & Recreation and Seattle Public Utilities). In 2021, SDCI prepared a series of GIS maps to spotlight specific BIPOC, low income and low canopy neighborhoods on a citywide scale that would benefit from this program. Key high priority areas were noted on publicly owned property by census tracts.

Enforcement

Under the proposal, this legislation is intended to serve as a greater deterrent to violating tree regulations. If the violation is found to have been willful or malicious, or conducted purposefully to improve views, increase market value, or expand development potential, or was the result of negligence by a contractor or operator of its construction machinery, the amount of the penalty would be tripled as punitive damages.

ENVIRONMENTAL ANALYSIS

The City completed an environmental analysis under the State Environmental Policy Act (SEPA) for the draft legislation. In February 2022, SDCI issued a SEPA Determination of Non-Significance (DNS) for a proposed ordinance that would update the Land Use and Tree Protection Codes. The Appellants Master Builders Association of King and Snohomish County and five builders exercised the right to appeal pursuant to Chapter 25.05 of the Seattle Municipal Code. The appeal hearing was held on June 14, 15, and 22, 2022, before the Hearing Examiner. The Hearing Examiner upheld the City's determination on August 10, 2022.

ALIGNMENT WITH URBAN FORESTRY CITYWIDE PRIORITIES

The proposed legislation is consistent with City's [2020 Urban Forest Management Plan \(UFMP\)](#) and is supportive of several of the Urban Forestry Commission [2019 recommendations](#). SDCI, in consultation, with the Office of Sustainability and Environment (OSE) worked in partnership to consider all of the UFC's recommendations in the proposed legislation. Although not all of the UFC's recommendations are included in the proposal, it was important to discuss and explore each recommendation as part of the interdepartmental (IDT) technical team that was assembled to do this work from 2019-2022. IDT members included subject matter experts from SDCI as well as the OSE Departmental Staff Liaison to the UFC.

2020 Urban Forest Management Plan (UFMP)

This plan prepared by the City's Urban Forestry Core Team developed a set of overarching outcomes to guide urban forestry work in the next five years. These outcomes were informed by an inclusive engagement process. The UFMP has six outcomes that were prepared to represent a comprehensive approach to mobilizing informed and effective action:

1. Racial and social equity. Urban forestry benefits and responsibilities are shared fairly across communities, community trust is built, and decisions are guided by diverse perspectives, including those of environmental justice priority communities.
2. Ecosystems and human health. The urban forest improves air quality, human well-being, public health and water quality; provides beauty, environmental and economic benefits, fish and wildlife habitat, food, outdoor fun; and helps store rainwater.
3. Human safety and property protection. In implementing the work, urban forestry teams use up-to-date practices to protect the safety of the public and staff.
4. Climate change. Urban forestry work helps people, and urban trees and vegetation adapt to, recover from, and mitigate the impacts of climate change.
5. Community care. The Seattle community, including all people, organizations, institutions, and businesses, works together to appreciate and care for the urban forest and to understand tree protection regulations.
6. Balance competing priorities. City government will work to grow, maintain, preserve, enhance, and restore Seattle's urban forest as it meets other priorities.

Urban forestry practices and policies work with and support other City and community goals including access to spaces, climate action, culturally appropriate resource provision, economic development, environmental protection, social justice, food and medicine production, housing, balancing tree shade with light, public safety, recreation, transportation, and utility provision. The UFMP acknowledges that tree benefits and responsibilities should be shared across communities and that the City will work to grow, maintain, preserve, enhance, and restore Seattle's urban forest as it meets other priorities. The above stated outcomes and associated strategies were used to develop the specific actions included in the action agenda of the plan. The UFMP contains 19 actions to be undertaken within the next five years. These actions are in addition to and build upon the ongoing work of City departments.

Seattle's 2021 Canopy Cover Assessment

The Office of Sustainability and Environment (OSE) recently prepared a tree canopy cover assessment. The assessment used LiDAR (Light Detection And Ranging) methodology to measure the distance to objects below (i.e. - tree canopy) from a small airplane fitted with a LiDAR device. The purpose of the assessment was to use this technology to create an aerial imagery of the Seattle's tree canopy over time.

The [Preliminary Results of the Canopy Cover Assessment](#) have informed the development of this proposal. City departments have found from the preliminary 2021 data that the citywide canopy coverage has changed since 2016. Preliminary assessment findings from the most recent five-year period (2016-2021), indicated that there was a citywide net canopy cover loss of 1.7% together with a citywide population increase of approximately 8.5% which added 58,000 people and 4,700 housing units. Tree canopy loss was exacerbated by numerous factors including climate change, tree diseases and pest infestations. The assessment also found that the majority of tree canopy loss occurred in City parks and in the Neighborhood Residential zones.

To address the percentage loss of tree canopy in the Neighborhood Residential zones, this legislation includes a payment in-lieu recommendation that would infuse City departments (Seattle Parks & Recreation and the Seattle Department of Transportation) with funds to plant trees in areas of the City that are under-treed and where most of the tree loss has occurred. Trees would be planted to help address historical environmental disparities by making underserved neighborhoods greener and healthier. This would help to protect the most vulnerable Seattle residents from the impacts of climate change. New trees planted would reduce public health disparities, reduce the heat island effect, and cool neighborhoods with higher temperatures during the summer months which will further advance physical and mental health well-being for all.

COMPREHENSIVE PLAN CONSISTENCY

Seattle 2035: Comprehensive Plan

This overarching plan prepared by the Office of Planning and Community Development (OPCD) in consultation with all City departments is a [comprehensive collection of City-adopted goals and policies](#) about how the City will accommodate growth over the next twenty years. The goals stated in the Comprehensive Plan define a future outcome that the City is aiming for, and the policies in the Plan provide guidance for more specific decisions that will be made over time.

Washington's Growth Management Act (GMA) requires most counties and cities to prepare comprehensive plans that show how they will manage the population growth that the state has projected for each county. The GMA defines a set of goals for managing growth and lays out the basic contents of comprehensive plans. GMA goals include reducing urban sprawl, encouraging future development to occur in urbanized areas where public facilities and services already exist, maintaining transportation, housing, and open space opportunities, protecting property rights, and protecting the natural environment.

In conclusion, the [Draft Director's Report](#) issued by SDCI includes a summary of relevant goals and policies supportive and consistent with [Resolution 31902](#), [2015-2035 Comprehensive Plan](#) and the [2020 Urban Forest Management Plan \(UFMP\)](#). The proposed legislation is consistent with the Comprehensive Plan and would likewise support goals and policies in the documents included in this section of the report.

PUBLIC NOTICE AND OUTREACH

Public Outreach and Community Engagement – Two-Pronged Approach – 2021

Public outreach and community engagement was conducted and completed in 2021. As part of Seattle's 2020 UFMP Update and per Resolution 31902, SDCI evaluated the existing tree regulations that govern private property and explored strategies outlined in the resolution with subject matter experts in SDCI, OSE, City Urban Forestry teams and the Urban Forestry Commission. Because it was also important to hear from community regarding potential strategies, SDCI and OSE used a two-pronged approach to public outreach and community engagement: 1) an interdepartmental partnership with the Department of Neighborhoods' Community Liaisons to conduct culturally appropriate engagement using top tier languages that targeted the needs and input of low-income and low-tree-canopy neighborhoods and 2) focused engagement with other stakeholders to hear input through online listening sessions.

To allow time for more inclusive engagement, SDCI and OSE conducted the two phases concurrently. This work took place between July and October 2021. A summary report and meeting notes are available on SDCI's [Changes to Code - Tree Protection website](#). Feedback and input received from BIPOC communities, as well as community organizations, environmental groups, builders, homeowners, tree service providers, and real estate agents helped identify and understand community and stakeholder interests that shaped and informed the Director's recommendation.

Opportunities for Public Comment – 2022

The SEPA environmental review for the tree legislation included the analysis and disclosure of impacts. During this process, the public had opportunities for comment including whether to appeal the City's SEPA determination.

Additional Public Outreach, Educational Opportunities and Trainings – 2022/2023

After the proposed legislation is transmitted to City Council, a public hearing will be scheduled. Additional opportunities to provide input will occur as the City Council deliberates on amendments to the legislation. SDCI will work with the City's Urban Forestry Core Team and OSE to provide education and trainings to the public and permit applicants to help foster better understanding of the regulations, the value of preserving trees, the implications of tree removal and the importance of planting trees. In 2023, SDCI anticipates that there will be several educational opportunities and trainings that will be made available in the 'Top Tier' languages: traditional Chinese (Mandarin and Cantonese), Spanish, Vietnamese, Somali, Amharic, Korean, and Tagalog.

At a minimum, the education and outreach are anticipated to include:

- Design and distribution of a targeted and translated webpage on the new requirements
- Updates of existing educational materials such as SDCI's Tips
- Development of a translated informational video to be posted online
- Development of content outlining changes for SDCI's Building Connections email list, news/press releases, and coordination with news outlets for broad impact
- Development of translated social media posts
- Development and hosting of periodic virtual live Q&A sessions and webinars

CONCLUSION

The proposed legislation addresses both the needs of the urban forest and housing production. The legislation responds to the strategies explored in Resolution 31902 and provides for tree protection consistent with the Urban Forest Management Plan and Comprehensive Plan.

APPENDIX

Summary of Proposed Amendments

The proposed amendments in this legislation are summarized in the table below by Seattle Municipal Code (SMC) section. The two associated Draft Director's Rules are also listed and described for each topic.

TABLE 1 Summary of Proposed Amendments by Director's Rule or SMC Section

RULE/SMC	CHANGE	PURPOSE
Draft Director's Rule: Exceptional Trees (Tier 2 trees)	<p>Updates and replaces Director's Rule 16-2008</p> <p>Expands exceptional tree (Tier 2 tree) definition to include more trees with a lowered threshold from 30" to 24" and includes tree groves</p> <p>Table 1 of Director's Rule 16-2008 defining exceptional trees (Tier 2) to retain their exceptional tree (Tier 2) status</p>	<p>+ Support balanced approach per Resolution 31902 while expanding the definition of exceptional (Tier 2) trees to increase tree protections</p>
Draft Director's Rule: Payment In-Lieu	<p>New Draft Director's Rule provides payment amount:</p> <p>Tier 1 & 2 Trees: \$17.87/square inch of tree removed</p> <p>Tier 3 Trees: \$2,833/tree removed</p> <p>(Updated payment amount added to 2022 draft rule)</p>	<p>+ Add option to make a payment in lieu of tree planting</p> <p>+ Provide payment amount to help applicant determine whether to elect to make a payment, if approved for removal or choose to plant a replacement tree</p>
23.44.020 Tree requirements (New proposal added to 2022 draft code)	<p>Adds new requirement that trees must be planted in street right-of-way (ROW) during development in Neighborhood Residential zones</p>	<p>+ Respond to findings of Preliminary Results of the Canopy Cover Assessment prepared by OSE; vast majority of tree canopy loss occurred within these zones; new requirement addresses significant number of trees lost since 2016 by requiring trees to be planted in top priority zones at a citywide scale</p>
23.47A.016 Landscaping and screening standards	<p>Removes an existing exemption so that trees must be planted in street right-of-way (ROW) during development of a new residential construction in commercial zones</p> <p>(New proposal added to 2022 draft code)</p>	<p>+ Respond to findings of Preliminary Results of the Canopy Cover Assessment prepared by OSE to meet citywide canopy coverage percentage goals in 2020 Urban Forest Management Plan (UFMP)</p>

RULE/SMC	CHANGE	PURPOSE
23.48.055 Landscaping and screening standards	Removes an existing exemption so that trees must be planted in street right-of-way (ROW) during development of a new residential construction Seattle Mixed zones (New proposal added to 2022 draft code)	+ Respond to findings of Preliminary Results of the Canopy Cover Assessment prepared by OSE to meet citywide canopy coverage percentage in 2020 Urban Forest Management Plan (UFMP)
23.76.004 Land use decision framework SMC 23.76.006 Master Use Permits required	Adds "Application of tree provisions pursuant to Chapter 25.11" as Type I decision	+ Clarify that new development projects would use an administrative Type I review (non-appealable, which is the same decision type as compliance with zoning)
25.11.010 Purpose and intent	Adds 25.11.010.A "while balancing other citywide priorities such as housing production"	+ Support future growth and density with a balanced approach as per Resolution 31902
25.11.020 Exemptions	Clarifies actions exempt from Chapter 25.11 as follows (but not limited to): Tree removals, off-site replanting outside of the boundaries of the MPC-YT zone, and voluntary payment in lieu of replanting undertaken as part of redevelopment that meets the planned action ordinance within the MPC-YT zone for Yesler Terrace Tree replanting and payment in lieu option undertaken as part of development by permanent supportive housing as regulated by Title 23 Tree removals for insect and/or pest infestation Tree removal to comply with Americans with Disabilities Act	+ Add exemptions to bring Chapter 25.11 to be consistent and up to date with current business practices and provisions in Title 23 (i.e. - tree removals for insect and/or pest infestation and tree removal to comply with Americans with Disabilities Act) + Add development project proposals that are exempt to include permanent supportive housing
25.11.030 Emergency actions	Adds a new section addressing emergency actions that may be undertaken without obtaining a permit in advance	+ Give increased certainty in the tree code for what is required to be submitted to SDCI for an emergency action + Clarifies emergency activities necessary to remedy an immediate threat to public health, safety, or welfare

RULE/SMC	CHANGE	PURPOSE
25.11.040 Hazardous tree removal	<p>Adds a new section addressing provisions related to hazardous tree removal</p> <p>Requires mitigation for hazardous tree removal for trees over 12" diameter in all zones (New proposal added to 2022 draft code)</p>	<ul style="list-style-type: none"> + Updated references to established industry standards for tree risk assessment evaluation + Requires mitigation for hazardous tree removal
25.11.050 General provisions for regulated tree categories	<p>Provides new convention for grouping trees by Tiers 1, 2, 3 and 4 so heritage trees are Tier 1 and current exceptional trees would become Tier 2 and significant trees would be Tier 3 and Tier 4 trees (New proposal added to 2022 draft code)</p> <p>Adds new Table A for 25.11.050 for different tree related activities (Clarifications added to 2022 draft code)</p> <p>Removes the graphic illustration of the tree protection area Exhibit 25.11.050B (Clarifications added to 2022 draft code)</p> <p>Adds clarity to tree related activities (i.e. - tree removal or topping) is prohibited for all four tree tiers both during development as part of a permit application and outside of development when not part of a permit application (Clarifications added to 2022 draft code)</p> <p>Adjusts tree removal limits when no development is proposed for an allowance of two Tier 4 trees in any 36-month period in the NR, LR, MR, C and SM zones, and maintains the allowance for up to three Tier 3 and 4 trees per year in all other zones (mainly downtown and industrial)</p>	<ul style="list-style-type: none"> + Simplify the tree code by creating tree categories that are easier to understand, especially for people for whom English is not their first language + Provide a summary table for different tree related activities (i.e. - not part of development, during development) + Add new provisions to adjust tree removal limits; This is intended to lessen tree removal outside of development
25.11.060 Determination of Tier 1, Tier 2, and Tier 3 trees, including tree protection area delineation	<p>Provides new ecological function criteria to help SDCI arborists work with applicants to determine likelihood that a tree will live to maturity</p> <p>Adds language that help determine the tree protection area, which "shall be</p>	<ul style="list-style-type: none"> + Add increased certainty during plan review for a property owner, builder, and neighbor when a tree is located on the site + Add clear and understandable industry recognized standards (i.e. - ANSI 300)

RULE/SMC	CHANGE	PURPOSE
	<p>Clarifies trees protected by covenant for the life of the development and allows covenant to be removed with a perished tree (i.e.- covenant runs with the land and applies "...for the extent of the life of the trees") Deletes references to "permanent" covenants (Clarifications added to 2022 draft code)</p>	
<p>25.11.070 Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones</p>	<p>Clarifies development capacity (Neighborhood Residential zones) consideration based on lot coverage includes construction of new structures, vehicle and pedestrian access, utilities, retaining walls or other similar improvements. (New proposal added to 2022 draft code)</p> <p>Replaces FAR development capacity in LR, MR, commercial and Seattle Mixed zones to use a hardscape area allowance of 85% coverage (in addition to a factor that includes leftover pieces of the property that are too small to accommodate usable development) to calculate zoned capacity for the application of the tree code (New proposal added to 2022 draft code)</p> <p>Maintains and clarifies incentives for the retention of Tier 2 trees through a menu of adjustments to development standards:</p> <ol style="list-style-type: none"> 1) For development not subject to design review: <ol style="list-style-type: none"> a) Setbacks and separation requirements may be reduced by a maximum of 50 percent b) Amenity areas may be reduced by a maximum of 10 percent c) Landscaping and screening may be reduced by a maximum of 25 percent d) Structure width, structure depth, and façade length limits may be increased by a maximum of 10 percent 2) For development subject to design review, the departures permitted in Section 23.41.012 	<ul style="list-style-type: none"> + Clarify that lot coverage as development capacity consideration includes new structures, vehicle and pedestrian access, utilities, retaining walls or other similar improvements in Neighborhood Residential zones + Use of development coverage in place of Floor Area Ratio (FAR) in the Lowrise, Midrise, commercial and Seattle Mixed zones is a more complete way to help applicants prepare permit applications showing development/hard surface improvements needed to meet code requirements. This gives more certainty up front about development that is anticipated by the applicable zoning + Maintain incentives for code flexibility to accommodate retention of regulated trees while supporting housing production on sites undergoing development

RULE/SMC	CHANGE	PURPOSE
	<p>3) Reduction in parking quantity required by Section 23.54.015 and the modification of standards for safe access</p> <p>4) In Lowrise zones, an increase in base height of 40 feet to 50 feet, for an additional building floor if needed to recover floor area lost within a tree protection area</p>	
25.11.080 Tree protection on sites in Major Institution Overlay Districts	Establishes that to the extent a provision of a Major Institution Master Plan (MIMP) approved pursuant to Chapter 23.69 is inconsistent with Chapter 25.11, then the MIMP provision shall control application of the chapter within the Major Institution Overlay District (New clarification added to 2022 draft code)	+ Clarify approved MIMPs supersede Chapter 25.11
25.11.090 Tree replacement, maintenance, and site restoration	<p>Adds Tier 2 trees and Tier 3 trees removed in association with development plus hazardous trees must be replaced by one or more new trees, the size, and species of which is determined by the Director (New clarification added to 2022 draft code)</p> <p>Clarifies that replacement is to result in roughly proportional canopy cover prior to tree removal</p> <p>Adds a five-year maintenance and monitoring requirement for newly planted replacement trees (New proposal added to 2022 draft code)</p> <p>Adds language to make it clear what is required for maintenance and monitoring for newly planted trees (New proposal added to 2022 draft code)</p>	<p>+ Strengthen tree replacement requirements, maintenance requirements including site restoration for newly planted mitigation trees</p> <p>+ Add a new maintenance and monitoring requirement for newly planted replacement trees which helps keep trees healthy and alive longer through the establishment period</p> <p>+ Add consistency and alignment with tree service provider registry requirements in existing code</p>
25.11.100 Tree service provider registration	Relocates hazardous tree language section to its own subsection and add approval from SDCI is required prior to removal of any hazardous tree	+ Add clarity and consistency with updates to tree service provider code language
25.11.110 Off-site planting and voluntary payment in lieu	Updates language to make it clearer and more concise	+ Make more succinct and make clear that payment in lieu is voluntary per state law

RULE/SMC	CHANGE	PURPOSE
25.11.120 Enforcement and penalties	<p>Updates language to make it clearer and more concise; Adds language that if the violation is found to have been willful or malicious, or conducted purposefully to improve views, increase market value, or expand development potential, or was the result of negligence by a contractor or operator of its construction machinery, the amount of the penalty would be tripled as punitive damages (New clarifications added to 2022 draft code)</p>	<p>+ Make briefer and clearer to understand</p>
25.11.130 Definitions	<p>Removes “caliper”, “canopy cover”, “diameter at breast height”, and others; Establishes list of new definitions, including by not limited to: “invasive tree”, “responsible party”, and “tree grove”</p> <p>Revises the definition of drip line to include “the drip line may be irregular in shape to reflect variation in branch outer limits” (New clarification added to 2022 draft code)</p> <p>Defines four new tree categories - (New proposal added to 2022 draft code)</p> <p>Tier 1 means a heritage tree. A heritage tree is a tree or group of trees defined as such by Title 15.</p> <p>Tier 2 means any tree that is 24 inches in diameter at standard height (DSH) or greater, includes tree groves as well as specific tree species provided in Director’s Rule x-2023 or its successor</p> <p>Tier 3 means any tree that is 12 inches in diameter at standard height (DSH) or greater but less than 24 inches at DSH and is not defined as a Tier 1 or Tier 2 tree as provided in Director’s Rule x-2023 or its successor</p> <p>Tier 4 means any tree that is 6 inches in DSH or greater but less than 12 inches at DSH and is not defined as a Tier 1 or Tier 2</p>	<p>+ Remove some definitions to be consistent with SMC 25.11.095 as last amended by Ordinance 126554</p> <p>+ Add new definitions specific to current industry best practices to help increase clarity and enforcement of Chapter 25.11</p> <p>+ Updated definitions are in alignment with tree service provider registration requirements (Ordinance 126554) for tree tracking and reporting</p> <p>+ Add four tree categories to provide clear and understandable regulations</p>

SECTION 2: TIER 2 TREE DESIGNATION

Table 1 provides a list of size thresholds for Tier 2 trees. In addition, any named cultivars or subspecies of species on the following list have the same diameter threshold as the species on the list. For example, a Japanese maple cultivar (*Acer palmatum* “Burgundy Lace”) has the same threshold diameter as Japanese maple (*Acer palmatum*).

For all species not listed in Table 1, the threshold diameter is 24” or greater, except that the following are not Tier 2 trees regardless of the size measured at DSH:

- Red alder(*Alnus rubra*), black cottonwood (*Populus trichocarpa*), Lombardy poplar (*Populus nigra* ‘Italica’), and bitter cherry (*Prunus emarginata*)
- Any tree that is listed on the adopted and as subsequently revised King County Noxious Weed List, including weeds of concern

Table 1: Size Thresholds for Tier 2 Trees

ALDER, Sitka – <i>Alnus sinuata</i>	6”
APPLE, Orchard (Common) – <i>Malus sp.</i>	20”
ASH, European – <i>Fraxinus excelsior</i>	22”
ASPEN, Quaking – <i>Populus tremuloides</i>	12”
BIRCH, Paper – <i>Betula papyrifera</i>	20”
CASCARA – <i>Rhamnus purshiana</i>	8”
CHERRY, Japanese Flowering – <i>Prunus sp.</i> (<i>kwanzan</i> , <i>serrula</i> , <i>serrulata</i> , <i>sargentii</i> , <i>subhirtella</i> , <i>yedoensis</i>)	23”
CRABAPPLE, Pacific – <i>Malus fusca</i>	12”
DOGWOOD, Eastern – <i>Cornus florida</i>	12”
DOGWOOD, Kousa – <i>Cornus kousa</i>	12”
DOGWOOD, Pacific – <i>Cornus nuttallii</i>	6”
HAWTHORN, Black – <i>Crataegus douglasii</i>	6”
HAWTHORN, Common <i>Crataegus monogyna</i> Jacq.	16”
HAWTHORN, Washington – <i>Crataegus phaenopyrum</i>	9”
HORNBEAM, European – <i>Carpinus betulus</i>	16”
LOCUST, Honey – <i>Gleditsia triacanthos</i>	20”
MADRONA – <i>Arbutus menziesii</i>	6”
MAGNOLIA, Southern – <i>Magnolia grandiflora</i>	16”
MAPLE, Dwarf or Rocky Mountain – <i>Acer glabrum</i> <i>var. Douglasii</i>	6”
MAPLE, Japanese – <i>Acer palmatum</i>	12”
MAPLE, Paperbark – <i>Acer griseum</i>	12”
MAPLE, Vine – <i>Acer circinatum</i>	8”
MONKEY PUZZLE TREE – <i>Araucaria araucana</i>	22”
OAK, Oregon White or Garry – <i>Quercus garryana</i>	6”
PEAR, Callery – <i>Pyrus calleryana</i>	13”
PINE, Lodgepole – <i>Pinus contorta</i>	6”

PINE, Shore – <i>Pinus contorta</i> ‘contorta’	12”
PLUM, CHERRY – <i>Prunus cerasifera</i>	21”
SERVICEBERRY, Western – <i>Amelanchier alnifolia</i>	6”
SNOWBELL, Japanese – <i>Styrax japonica</i>	12”
SPRUCE, Sitka – <i>Picea sitchensis</i>	6”
WILLOW (All native species) – <i>Salix</i> sp. (<i>Geyeriana</i> , <i>ver meleina</i> , <i>eriocephala</i> ssp. <i>mackenzieana</i> , <i>Hookeriana</i> , <i>Piperi</i> , <i>Scouleriana</i> , <i>sitchensis</i>)	8”
YEW, Pacific – <i>Taxus brevifolia</i>	6”

¹ This table is based on Plants of the Pacific Northwest Coast, 2016, by Jim Pojar, Andy MacKinnon
Trees and Shrubs of the Pacific Northwest, 2014, by Mark Turner, Ellen Kuhlmann
Trees of Seattle, 2nd edition, 2006, by Arthur Lee Jacobson.
Champion Trees of Washington State, 1996, by Robert Van Pelt.
International Society of Arboriculture, <https://www.isa-arbor.com/>

SECTION 3: USE OF THIS RULE IN THE APPLICATION OF SEPA

The policy provided in SMC 25.05.675.N.2.c calls for protecting specific special habitat:

- Rare, uncommon, unique or exceptional plant or wildlife habitat; or
- Wildlife travelways; or
- Habitat diversity for species (plants or animals) of substantial aesthetic, educational, ecological or economic value

If determined through SEPA review that a proposed project would reduce or damage one or more of these special habitats, a Tier 2 tree that may otherwise be approved for removal per Chapter 25.11 may be required to be retained.

Applicant: City of Seattle Department of Construction and Inspections	Page 1 of 2	Supersedes: None
	Publication: X/XX/2023	Effective: X/XX/2023
Subject: Payment in lieu of tree replacement pursuant to the Tree Protection Code	Code and Section Reference: SMC 25.11 – Tree Protection	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Land Use Code/Technical Standards and Procedural Requirements	Approved	Date
	<u>(signature on file)</u> Nathan Torgelson, Director, DCI	X/XX/2023

Purpose and Background

The purpose of this Rule is to provide further guidance for the payment in lieu of tree replacement pursuant to Seattle Municipal Code (SMC) Chapter 25.11, Tree Protection.

Payment In-Lieu Calculation

Payments are calculated using the *Guide for Plant Appraisal*, published in 2018, 10th edition, authored by the Council of Tree and Landscape Appraisers and includes City costs related to tree establishment.

Nursery purchase price* / square inches of the nursery tree = unit cost to replace tree**
Square inches of tree removed* X unit cost to replace the tree = payment in lieu amount**

*Nursery purchase price = the average price of common trees found on sites in Seattle per survey from area nurseries.

**Square inches of the nursery tree is the average size of replacement tree per survey from area nurseries.

***Square inches of tree removed provided by permit applicant.

SDCI shall periodically conduct updates to the inputs for the formula above including surveys of regional tree nursery prices to deliver the resulting payment to be provided in subsequent rule(s).

Rule: Payments

Payment Categories	Required Mitigation	Payment In-Lieu
Tier 1 and Tier 2 Trees	Cost per square inch* of trunk for each tree removed	\$17.87/square inch
Tier 3 Trees	Cost per tree	\$2,833

*Square inch of tree removed is calculated as follows:

- Measure diameter of tree as defined in SMC 25.11 in inches and divide by 2 to get the radius.
- Square the radius and multiply by π ($r^2 \times 3.14$)



SEATTLE CITY COUNCIL
LEGISLATIVE DEPARTMENT

Tree Protection Ordinance Schedule				
Date		Time	Committee	Topic
Tues	21-Mar	2:00 PM	City Council	Introduction and Referral of bill to Land Use Committee
Wed	22-Mar	2:00 PM	Land Use Committee	Policy discussion: Overview of entire bill
Wed	29-Mar	9:30 AM	Special Land Use Committee	Policy discussion: Tree Protections & Tree Protection Standards
Fri	7-Apr	2:00 PM	Special Land Use Committee	Policy discussion: Tiers of Tree Protections, Budget Allocations, & Central Staff Analysis
<i>Tues</i>	<i>18-Apr</i>	--	---	<i>Amendments due to Central Staff</i>
Fri	21-Apr	2:00 PM	Special Land Use Committee	Vote on Substitute Bill
Mon	24-Apr	10:30 AM	Special Land Use Committee	Public Hearing
Wed	26-Apr	2:00 PM	Land Use Committee	Vote on Amendments
Thurs	4-May	9:30 AM	Special Land Use Committee	Vote on Amendments and possibly Vote Bill out of Land Use Committee as Amended
<i>Thurs</i>	<i>4-May</i>	<i>2:00 PM</i>	<i>Special Land Use Committee</i>	<i>Vote on Amendments and Vote Bill out of Land Use Committee as Amended</i>
Tues	9-May	2:00 PM	City Council	Vote on Final Passage of Bill as Amended